

LIFE
LAW
&
LETTERS

E S P H A Y N E S



L I F E
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L E T T E R S



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To my daughter
Renée Oriana

CONTENTS

| | PAGE |
|--|------|
| Preface | xi |
| The Folly of Hairdressers | 1 |
| Insolvency and Adultery | 2 |
| Wiser other eyes than ours | 2 |
| George Pridmore | 3 |
| Cruising | 5 |
| A Speech to the True Temperance Association | 22 |
| Vestigia | 27 |
| Oxford Characters | 29 |
| Memories of The Grange 1887-1891 | 33 |
| On being late for dinner | 35 |
| G. K. Chesterton's <i>Avowals and Demals</i> | 36 |
| Women as Solicitors (written in 1920) | 39 |
| Divorce for the Poor | 40 |
| Solicitors and Partnerships | 41 |
| Solicitors and Funerals | 46 |
| Neurotic Punctuation | 54 |
| Mr H. G. Wells's Farewell to the P.E.N. Club | 54 |
| Imaginative Borrowers | 55 |
| Gambling | 56 |
| Loss of Two Anchors in Spain | 57 |
| Santillana | 58 |
| Corunna and Santiago | 59 |
| Stoppage (written in 1935) | 60 |
| Mr Frank Finch | 61 |
| Liberalism and Liberty | 63 |
| A Solitary Funeral | 66 |

Contents

| | PAGE |
|---|------|
| Mr Horobin `on Planning | 66 |
| Wine of the Wallis | 69 |
| The Citizen and the Law | 71 |
| Alexander's Ragtime Bicycle | 73 |
| An Essay on Immorality | 75 |
| Time and Oblivion | 81 |
| The Permanence of Bach | 82 |
| Scandinavia | 83 |
| Rockets | 85 |
| Mr Arthur Waugh | 85 |
| Politicians and the Classics | 86 |
| The Scandal of Imprisonment for Debt | 88 |
| Ici dort de Lara | 92 |
| Mount Blair | 92 |
| Letitia | 94 |
| Pure Water | 95 |
| Mr Justice Ivory as seen by Stanley Jackson | 96 |
| <i>Oggi cattivo</i> | 98 |
| Divorce Law Reform | 100 |
| Baedeker and the next World | 102 |
| Music and Performance | 107 |
| A Quick Remarriage | 108 |
| Magic and the Gallows | 108 |
| Cardinal Piffi | 110 |
| The Manor of Old Paris Garden | 110 |
| Pedestrian Handel | 111 |
| All Saints' Day | 112 |
| Home Life in A.D. 2000 | 112 |
| A Letter from a Well-wisher | 117 |
| Solicitors and Bureaucrats | 126 |
| Democracy | 132 |
| Oxford and A. P. Herbert | 133 |
| Zeebrugge and the Modern Hero | 133 |

Contents

| | PAGE |
|---|------|
| The Limits of Humour | 134 |
| Max Beerbohm on Modern London | 135 |
| Where ignorance is bliss | 135 |
| <i>Sage Homme</i> | 136 |
| Doctors and Death | 136 |
| "Stern Daughter of the Voice of God" | 137 |
| <i>Noblesse oblige</i> | 137 |
| Victorian Optimism | 139 |
| Treating a House like a Hotel | 139 |
| Beethoven's Piano Concerto No 3 in A Minor | 140 |
| Corelli's Christmas Concerto | 140 |
| Mr A P Herbert's Divorce Bill | 141 |
| Folk Song | 148 |
| Robert Bontine Cunninghame Graham | 148 |
| Cartoons | 150 |
| Titchborne Dole | 151 |
| Rare and Refreshing Fruit | 152 |
| Aiding and Abetting | 155 |
| La Cinquantaine | 156 |
| The Private Life of the Queen | 159 |
| Mr Justice Avory and the Law as seen by F W Ashley | 162 |
| 'Near Home' and 'Far Off' | 164 |
| Old Humphrey and Oscar Wilde | 169 |
| George IV | 170 |
| The Family Butcher | 170 |
| The Fish Carol | 171 |
| Some Aphorisms | 173 |
| Sir Sydney Waterlow K.C.M.G | 174 |
| A Bright Young Christian | 175 |
| Monogamy and Monotony | 179 |
| Port as Medicine | 182 |
| The Demand for Borrowers | 183 |

Contents

| | PAGE |
|---|------|
| Sir Edward Boyle's Biographical Essays 1790-1890 | 184 |
| Sir Samuel Romilly (1757-1818) | 186 |
| Some Notes on Ancient and Medieval Diplomacy | 190 |
| Christianity and War (written in 1914) | 203 |
| Extract from a Letter to the Western Shipping Agency Ltd | 220 |
| When is a ship not a ship? | 221 |
| Doubles | 222 |
| Palmerston | 223 |
| Cannes | 224 |
| Sir Harris Nicolas G C M G , K H | 226 |
| Life and Letters of Sir Walter Scott | 272 |
| Cross-examination | 284 |
| Gilbert Keith Chesterton | 285 |
| The B B C Epilogue | 287 |
| Sir Sidney Low as seen by Major Desmond Chapman-Huston | 288 |
| Life Law and Letters | 291 |

PREFACE

"He that will not mind his own belly will not mind his own business" This little paraphrase of Dr Johnson was almost the last remark of a recently deceased friend and colleague who allowed me to collect many of his observations into three *Lawyer's Notebooks*. He strongly objected to writing them down in any legible fashion or even when I had done so, to correcting typoscript or even proofs. Fortunately his death has left me in possession of his papers and manuscripts and of all copyright in them so that I can as before combine his material with my own.

He desired his anonymity to continue even after his death, but I may perhaps be permitted to mention that he was about twenty years older than myself and had had much the same sort of education and professional experience. He lived for some years in my neighbourhood so we often walked and talked on Sundays. What first impressed me about his talk was its

Preface

unexpectedness. Thus he would deplore the Reformation—but when asked to give reasons, would say that Calvinism and the Counter-Reformation had made Europe intolerable till the latter half of the 19th century. He relished ripe decay and maintained that the Catholic Church of the 15th century combined all the best qualities of an 1870 claret and of an old Stilton cheese.

While not insensitive to the convenience of modern locomotion for travellers, he would indulge in the most deplorable expletives in regard to the consequences of the industrial movement, to wit, the Victorian employer, the Edwardian Trade Unionist, and the Georgian philanthropist. To read a newspaper in which agriculture was referred to as an “industry” made him positively ill, and his end was no doubt hastened by a peculiarly smug leading article in *The Times* advocating the extinction of any right of appeal to the County Court by owners and tenants of old cottages against the bureaucratic tyranny of borough councils, the members of which are often said to derive considerable profit from destroying well-built old cottages and

Preface

erecting gimcrack flats under the unctuous pretence of demolishing "slum property"

References to "planning" or such a sentence as "The more democratic we become the more laws we must have and the more police there must be to enforce them" were dangerous to such philosophic tranquillity as he wanted to preserve for the sake of his health. He kept a little shelf of select volumes starting with Aristophanes and ending with Cobbett and A. P. Herbert to which he resorted when necessary—but even these failed to soothe him when he read press references to the lack of sympathy in France with modern civilization and to the "great Anglo-German family to which we all belong." Nor did he care for the past merely as the past, for he was obsessed by long obsolete ideas of what he called justice and common sense, which have found expression in such different periods as the second and eighteenth centuries of the Christian era.

He was quite as well aware as anyone else that this rather futile indignation about public affairs was not only quite out of date but also prejudicial to professional success, for although

Preface

solicitors have sometimes emerged into modern politics, they have done so on "progressive" lines and have not usually made much money in their chrysalis stage of development. The ordinary client wants what he often calls a "sharp lawyer" without any undue preoccupation or interest in matters outside his professional life such as politics or the arts, though an exception may possibly be made for golf or cricket.

This might well be an argument for revealing his identity after death; but he always considered such a revelation to be rather in the nature of an anti-climax and that as snobbery is the principal factor in any change of public opinion, anonymity in the case of anyone so socially obscure as a solicitor has a weight all its own. He was, however, amiable enough to acquiesce before his death in my suggestion that I should continue to blend my own more prosaic essays on legal matters with his posthumous writings on more general topics.

Finally, I must also express my cordial thanks to an equally essential collaborator, my secretary William James Watters, without whose services,

Preface

ungrudgingly given at any odd moment, it would have been impossible for me to have composed this book and the three anonymous *Lawyer's Notebooks* without serious overwork.

The Folly of Hairdressers

I CAN never quite understand why hairdressers should cut their own throats in the way they do by their efforts to promote general baldness. Nothing promotes baldness so much as grease on the hair and cutting it more than once in six weeks. To keep the scalp in as lively a condition as the rest of one's skin can only be promoted by a suitable hair brush and I know of only one on the market, which is not usually obtainable from the hairdresser. I can only presume that the hairdresser makes more money out of the fetid grease he sells than out of cutting hair.

Another instance of imbecility in the hairdresser is the enthusiasm with which the Trade Unions welcomed the ordinance that no one was to have his hair cut on Sunday. It never seemed to dawn on them that this great measure of reform was introduced by a safety razor king.

Life Law and Letters

Insolvency and Adultery

Insolvency discovers a multitude of sins—as when a lady instructed her solicitor to take divorce proceedings on the ground of her husband's adultery. On being reminded that she had complained of this conduct for years without resort to litigation, she remarked with some acidity that an act of bankruptcy had just occurred.

Wiser other eyes than ours

Tennyson suggested in *In Memoriam* that if our friends were capable of seeing life on earth after death, they would accept human frailties with more charitable tolerance than they did while alive. In the same vein Charles II remarked that "God would not punish a man for taking a little pleasure by the way." There is a wide discrepancy (as Jeremy Bentham points out) between the Mosaic Law and the sayings of Jesus in the Gospels. It was reserved for St. Paul and the Early Fathers to write of the Creator as if He were an incurable old maid; but

Life Law and Letters

perhaps it is not quite fair to use this phrase, for old maids are usually shrewd and sensible and free from the prunence of the male celibate

George Pridmore

George Pridmore, who died on the 3rd June 1935, must have served thousands of oysters to the Benchers of Lincoln's Inn at their banquets and was a well-known figure in the Hall. He also served many other customers (largely lawyers) at 71 Chancery Lane as manager on behalf of Messrs White & Co. He came there on the 10th May 1885, which was his 19th birthday, so that although he attained his Jubilee as a worker, he has missed reaching his 70th birthday.

He devoted himself to his work to an extent which is almost unknown nowadays. He reached the shop at 9.45 *a.m.* and scarcely ever went away before midnight. Even the day before his death (which was a Sunday) he tried to visit the shop in order to balance his books. Even more remarkable than his industry was

his devotion to his customers, which created a fine tradition of English good humour and sodality and made the little bar a haven of rest and peace and good fellowship for its frequenters.

On one occasion during his fifty years' service a customer late at night walked into Holborn in a condition which unfortunately attracted the attention of the police. In consequence of a newspaper report George was interrogated the next day and characteristically replied:—"Mr X is a customer of mine It is not for me to talk about his condition last night."

He suffered from chronic deafness due to a narrow escape during the War owing to one of the many bombs which dropped in London on the 13th October 1915. A bomb which killed a pedestrian within a hundred yards of the shop hurled George from one end of the shop to the other just in time for him to turn out the gas and thus save a terrible fire before falling unconscious on the floor In the War he also lost his son and his wife, who predeceased him, was a chronic invalid; but in spite of everything "cheerfulness kept breaking in "

Life Law and Letters

I always felt secure of my position on Parnassus since, many years ago, George invited me to compose an appropriate inscription for a funeral card on a wreath presented by the united staff of the company when one of the directors died.

Cruising

I have been asked to justify my faith in cruising not on grounds of public policy (which would be obvious for cruising on a British boat) but on grounds of individual hedonism. My friends ask me whether I do not find either solitude or my companions irksome—as if one should never cruise except in the social and intellectual altitudes of the Hellenic Travellers. Frankly, I go in search of rest and isolation. One faithful and congenial companion is sufficient for me and I need nothing more except complete change of atmosphere in every sense of the word. The mere absence of dogs is refreshing.

Moreover there is nothing so recreative as congenial semi-detachment. In my legal world

Life Law and Letters

I am accustomed to alert intelligent faces whereas our merchant princes for the most part resemble either fat bald monkeys or kindly hirsute gorillas. But I find more repose in contemplating this world of simian and most amiable respectability and overhearing the singular scraps of inane talk than in any approach to my ordinary surroundings (say) the Garrick or the Athenæum or Lincoln's Inn. I am getting near the end of my 6th decade and have written about twenty-five books in thirty-five years of professional exertion with not more than five weeks' holiday in each year. My search of repose may be senile, but it is intelligible.

Nor does land travel attract me. Since 1890 I have seen much of Western Europe (with one glimpse of the United States in 1899 and of pre-war Russia in 1913). The Continental is becoming either lunatic or hubristic and even my beloved French are less polite and reasonable than they were before 1914. Petty restrictions abound on every European frontier—but for the cruiser there are no frontiers.

I have cruised on Dutch and German and British lines—but in spite of defects in the

Life Law and Letters

British kitchen, such as an odd enthusiasm for the Anglican turbot and Nonconformist hake, I prefer British ships. The amiable willingness of the staff will procure any food you require or any comfort except that of a Turkish Bath or therapeutic lamp for rheumatic troubles. British (unlike foreign) stewards do at least understand what you say instead of pretending to understand. There is of course a deadly time before even a British boat has started when no one can be found and the ship is not alive, and it is better to join her (if possible) at the second port.

There are often unpleasant noises which are not drowned by the soothing swish of the waves. I write these words in a spacious cabin, where owing to a defective stormvalve I hear a continual flapping, as it were, of bats or of someone flicking towels all round the room with a resounding smack at intervals. I find it impossible to reassure my sleeping self, and continually wake up with a start. However I have not had this experience before and shall possibly not travel on this particular boat again.

Parenthetically, I should mention that a real

liner plying genuinely between (say) Southampton and Buenos Ayres is more comfortable and better equipped than a boat which has been turned into a regular cruiser. The more civilized tastes of the South American Latin in food and wine are not catered for on the all-British cruiser, for instance, the supply of excellent Portuguese light wines is cut off in deference to British consumers of port and whisky, and the use of garlic and onions in cooking is annihilated or severely curtailed.

Returning to the question of nocturnal noises, I am interested in the distinction between the waking and the sleeping self. I have not often slept in a haunted room; but when I have done so I am just as terrified when I am awake as when I am asleep—even if I see nothing and hear nothing. Nevertheless it is irritating to be cut off sleep.

The days seem to go very quickly—particularly when there are no land excursions. I can never get enough deck quoits, although I am not at all an efficient performer. It is really one of the best games in the world in its combination of skill and chance. Like logic it is neither a

Life Law and Letters

science nor an art but a dodge The gymnasium has its attractions for those who like to trot or canter on a stationary electric horse or prefer clinging precariously to a moving saddle known as the "camel" or practise with a punchball or scull on sliding seats

The weekly gala dinners sometimes lack spontaneity till "the excuse for a glass" warms up the assembly They remind me of an incident in my childhood when an affectionate old lady took me to the Fisheries Exhibition and offered me the ideal meal of my own choosing I chose oysters and hot chocolate and shall never forget the gloom of the following day!

The swimming pool is pleasant when not too noisy, but it is all too often cut off for one reason or another just when it ceases to be crowded Dancing is very popular—especially with the ladies who capture the Ship's Officers—but I find it more amusing to watch than to join

I never manage to read all the books I take with me because far too much time is spent on arrears of *The Times Literary Supplement* In February I am reading the previous November issues! On land I find it difficult to do more

than dip into this worthy periodical, and I am also in arrear with weekly papers like the *Spectator* and legal periodicals. But I occasionally break into my little Greek and Latin books and Chaucer and a volume of medieval Latin verse—all pocket size—not to mention the admirable new edition and translation of Ovid's *Ars amatoria* by B P Moore I have also discovered Gibbon in the World's Classics—seven enchanting little red morocco volumes. I first read Gibbon right through in the Eton playing fields, but I have found it difficult to settle down to him in ordinary life, for he is an exile in the era of telephones and movies and will not tolerate momentary interruption. At sea, however, he is a perpetual joy, and as my tutor, Luxmoore, used to say, there is not a sentence which does not make you remember the facts. Belloc has attacked Gibbon's account of the Ebionites and other subjects; but I am too old to be disturbed by this guerilla warfare and gratefully revel in the long swelling periods which have a subtle affinity with the rhythmic roll of the Atlantic Ocean Malcolm Macmillan always referred in his Letters to "Papa Gibbon"

Life Law and Letters

and I rejoice to clothe Gibbon with an infallibility which I should refuse to a Pope.

Quite apart from reading, however, one does for the time being escape the choking accumulation of "each day's" "petty dust" which, as Matthew Arnold remarks, "makes us forget because we must and not because we will." The merciful suspension of the daily newspaper and of all correspondence gives the mind a sabbatical rest which I suppose will soon be annihilated by modern inventions. One can enjoy remembering from a new angle just what made life worth living in the past—all the more because it cannot now be altered and there is no element of apprehension and to all appearance, no element of illusion. As in dreams, the dead become much more alive and seem to participate in this more timeless existence. Equally in regard to the future, one achieves an almost Oriental fatalism "*Che sarà sarà*."

There must always be daily frustration and often physical pain but "even the weariest river winds somewhere safe to sea." There is, however, a certain danger in congenial solitude. About fifty years ago I used to see a certain

Mr Jones, who had achieved fame as "*Cavendish on Whist*." Whist has always been a mystery to me, and I have still preserved my childish awe for anyone who can play it or write about it. Therefore I can never forget the shock of hearing Mrs Jones say to my mother, with genial irreverence, of her distinguished husband, who was at the other end of the room:—"Look at Mr Jones laughing away as usual at his own silly jokes". I remember wondering why one should not laugh at one's own jokes, which after all are more likely to amuse oneself than other people's;—but no doubt this indulgence may develop too much of what Jung calls *introversion*, which is nevertheless to me the principal joy of cruising.

Cruising has a wonderful way of making one see places which one would never otherwise have thought of seeing, as for instance, Lisbon, Malaga, the Balearic Islands, Malta, the incomparable city of Rhodes, or Tangier and Tetuan. None of these places can be reached at all conveniently except by air, and I am terrified of any adventures in the air ever since at the age of nineteen I was in a captive balloon, which

Life Law and Letters

almost turned turtle in a squall just above the Eiffel Tower Nor did an air journey from Buda Pest to Salzburg in 1928 in any way reassure me.

But apart from Europe one has a wide range from the West Indies, Madeira, Teneriffe, to Colonies like Sierra Leone and Gambia The West Indies are beyond my maximum period of three weeks, but the other places are all within three weeks I have just at this moment come from Sierra Leone where I spent a happy day in glorious weather (at least 85 in the shade in February) and lovely hills and woods

I had always imagined Sierra Leone to be a pestilential marsh, instead of which it seemed quite a little paradise inhabited by intelligent coal-black humans who look as if they enjoyed life in the sun and air much more vividly than our drab and melancholy urban and suburban crowds The schoolchildren sang negro hymns and finally "God Save the King" with real feeling and musical aptitude For the first time I lost my colour prejudice against negroes (which I have never felt about other coloured races—perhaps owing to my days

at Balliol) and was glad to think of these children and of the boy scouts who so efficiently and zealously guided and guarded us tourists, as fellow British subjects. I was moreover reminded of the smart appearance made by the Nigerian troops at the Diamond Jubilee of 1897.

Then at Bathurst (the capital of Gambia) there was quite a different scene—no hills or woods but pretty gardens and surf banks and long grass-grown streets with telegraph wires. We strolled perspiring in a temperature of about 90 in the shade while four feet of snow were lying in Devonshire. My afternoon siesta was pleasantly interrupted by a charming young Civil Servant who had seen a book of mine in England and my name in the Passenger List. He brought two colleagues, from whom I gathered that a Colonial Civil Servant's life is precarious and unhappy when Yellow Fever breaks out.

When young I strongly objected to following the man from Cook's, and in West Africa Cook is often let down by people who promise motor-cars and other conveyances and then fail to turn

Life Law and Letters

up But Cook is some slight protection against the swarm of beggars and pedlars, and on a cruise one must resign oneself to being one of a crowd whenever one emerges from the cabin. The whims of the crowd are as odd as those of the B B C. Thus the orchestra conductor said that there would be a strong objection to Handel on a Sunday evening because his music would be too "churchy." Gounod's "*Funeral march of a marionette*" was also impossible because cruisers do not like being reminded of death when on board ship! This, however, does not prevent lively notices about boatdrill and lifebelts in the cabins.

Crowd rule usually ends in the sort of episode that recently occurred in Germany when a rich manufacturer was sent to gaol for turning off the wireless when Hitler was speaking! An unusually brave Tory M P recently said in the House of Commons, "I think democracy is a beastly and soulless tyranny," and Sir Maurice Amos recently wrote to me, "Democracy is the only form of government which dislikes itself," although the infallible Lord Passfield remarked in 1920 that it was the only possible form of

modern government.

Fortunately cruisers are under the control of expert but benevolent despots, namely, the Ship's Officers exerting power through Stewards. They all do their job with an astute urbanity which politicians might do well to imitate, and which creates a rather different atmosphere from that of the inquisitorial custom-house officers who welcome us home, and whose appetite for cheeseparing gains presents an odd contrast with the swashbuckling activities of the income-tax collector.

There are about three hundred stewards on my present boat and ten per cent of them have real histrionic talent. They give what is called a Cabaret performance which is in fact a resurrection of the good old music hall which I enjoyed in my youth. The music and words are really amusing, but I was slightly shocked by some lines reflecting on the private morals of Queen Victoria, though these perhaps carry one back to ancient days. There is a female impersonator weighing about fifteen stone who warbles a fine sentimental contralto from a Herculean frame. The strong sea air seems to

Life Law and Letters

inspire these stewards with dramatic exuberance.

There is also a considerable amount of other talent about. I broke the bridge of my gold pincenez and it was most efficiently mended by a *plumber!* Imagine being able to trust a terrestrial plumber with such a job! My watch had a fall, and I was told at the "shop" that it could be repaired by an enthusiastic amateur of watches. On land one is usually told either that a job cannot be done or that it can only be done at a long distance and after great delay. On board ship, however, one returns to the self-reliant enterprising type of Englishman who is being slowly but surely starved out of existence by Socialist politicians led by Mr Baldwin. The watch was repaired and cleaned within twenty-four hours. We are not in a land of dreams.

The ship's doctor has dissipated a cherished theory of mine that asthma and seasickness are counter-irritants. For four years I have suffered from asthma, which is being gradually cured by a vaccine treatment, and for the same time have not suffered from seasickness. Indeed a rough

sea has often given me an attack of asthma instead of seasickness and an injection of adrenalin has often restored the apprehension of seasickness. I felt that there must be some secret understanding between the *vagus* nerve and the pneumogastric nerve

Huxley said that Herbert Spencer's idea of a tragedy was a theory killed by a fact, and it was indeed an awful tragedy to hear from the ship's doctor that one can *at the same moment* suffer from asthma and seasickness. It would seem contrary to the laws of nature that even the most erring mortal should simultaneously suffer the pangs of incipient vomiting and tortured expiration—but the decrees of Providence are inscrutable. (I have been reading Gibbon again!)

There are perhaps only two features of cruising life that could be improved, namely, music and wine. At Bathurst I found that the inhabitants were enjoying B B C programmes; but on the ship there were apparently no such facilities. The band not devoid of musical knowledge (one of them had photographs of his father touring with Liszt) played pieces unworthy of their

Life Law and Letters

capacity for two hours during the day and on Sunday. The rest of the time they were wanted for dancing. Yet the B.B.C. experience is that an English audience enjoys Bach, Handel, Mozart, and Beethoven. On the other hand we were spared the discordant caterwauling of the Stravinsky type.

As regards wine there was one good cheap light Portuguese wine which was sold to everyone to whom I recommended it, and we could have had more variety. I gathered that the ship's officers have to take whatever they receive from higher quarters and from my palate I got an impression that the wines came from a Jewish firm whose circulars I tear up once a month, though I do buy a lot of Moselle from a German Jew in Frankfurt. Generally speaking, however, Jews standardize wine into cordials. A ship's company would sell far more wine if the wine list were drawn up by a really first-class London wine merchant with notes on the origin and nature of the wines. This plan would also give much needed information to the growing number of English tourists who are interested in wine and do not want to get drunk.

or half drunk on spirits

On my next cruise I shall avoid reading the *Arabian Nights*, for in the early hours of the morning following my return I had a distressingly vivid dream. Just as I had finished breakfast and was proceeding to the front door where a car was waiting to convey me to Lincoln's Inn, I had in a flash a queer variety of sensations which resulted in finding myself on all fours in my own hall with hooves instead of hands. My watch, knives, and pencils fell out on the floor, my shoes came off, and my trousers gave a loud split behind—but I found that I still retained complete power of speech.

I explained to my faithful but astonished servitor that he must immediately telephone to the doctor and explain to my clerks that I had been suddenly taken ill and was unable even to speak on the telephone. I had to recline in as dignified a manner as I could on the drawing-room floor till the doctor arrived and made an examination, from which it appeared that I had been transformed into a young Nigerian cow. I was at first annoyed by the change of sex, but later reflected that I might have inspired even

Life Law and Letters

more alarm if I had been a bull! Still there were obvious difficulties in the situation as for instance, if some meddlesome inspector (sanitary or otherwise) should complain of me for keeping a quadruped in the house.

My doctor could not suggest any remedy except hypnotism, and meanwhile I took steps to ascertain from Julian Huxley if in case of emergency I could obtain temporary board and lodging at the Zoo. However I also sent to my bedroom for a West African Juju which has lived there for the last fifteen years, and unlike most jujus wears a petticoat to conceal certain ambiguities of sex which shocked the previous owner who sold it to my wife.

The Juju did not speak, but telepathically suggested that I had better make inquiries at Southampton. On my journey back I had had the honour of being introduced to the Traffic Controller (Mr Buckett), who on receiving a telephone message inquired if any other Juju was at Southampton. It turned out that a small black juju had been detained by the Custom House authorities owing to a dispute about his value. I had seen him purchased by a perspiring

old lady at the Waterloo Village railway station in Sierra Leone. He did not like his quarters in the Custom House and was extremely annoyed by the disrespectful demeanour of his temporary custodians. He had thereupon exerted some rather inefficient magic with disastrous effects on myself. His owner was promptly summoned to take him out of the Customs, and somewhere about tea-time I recovered my own body without having endured the ordeal of visiting my own garden and attracting the attention of the neighbours or of addressing my clerks and clients in the unfortunate disguise of a Nigerian cow. Just as I was asking for a new suit of clothes I woke up in state of amazing relief!

A Speech to the True Temperance Association

Mr Chairman, My Lords, Ladies and Gentlemen, I hardly ever speak at any meeting nowadays, for I am not very good at it, but I heartily respond to your invitation tonight. I cannot compete with the admirable speech of the proposer and I am not in the House of Commons,

Life Law and Letters

but there is just one thing that he might perhaps have put in—that is, a reference to the dreadful exodus of people who go to the Continent because they can get their drinks at half the price, or, anyhow, much less than they can get it for here, and can also escape British restrictions. It is a most unfair handicap to our own hotel keepers. I know something of the troubles of the hotel keeper, the incessant police spying and the restrictions. There are always people wanting him to give them drink out of hours, and then sometimes telling the authorities if he does so. It is a most unpleasant business.

I remember writing to *The Times* at the time these restrictions were imposed. I was told it was quite unnecessary, because they would be taken off after the War. They never have been taken off. My friend Mr Belloc has suggested to me (and it has been suggested publicly) that the brewers have more to do with that than some people imagine—especially with the restriction that no drinks should be supplied after two o'clock, the time when, if you have walked all the morning and have lost your way, a little beer or wine may make all the difference between

digestion and indigestion Whether the brewers are responsible or not for the prolongation of those restrictions I do not know, but I should like to know

Then there is the question of this very high taxation There was a 17th century Venetian named Cornaro who set his house hygienically in order when he was 35, and who lived beyond the age of 90 He wrote that wine was the "milk of old age," and this applies even more to spirits. I do not drink much in the way of spirits myself; but I think it is monstrous that old and infirm people should not be allowed to drink a bottle of brandy or whisky or gin without paying 8/6d to the Revenue. I may mention that in France, Germany, Italy or anywhere on the Continent today, you can get a bottle of brandy for less than half the price it is here Moreover this high taxation leads to liquor being adulterated and to both beer and wine being very different today from what they were thirty years ago

Again, I can quote the evidence of that high authority, Sir James Crichton-Browne, who is one of our members, and who at the age of 93 says that people do not drink enough wine. I

Life Law and Letters

think he is quite right. They do not, and that is the reason why many diseases are prevalent today which could very easily be got rid of. I do not mean that they are not necessary, but there are a number of people, especially young people, who eat a portentous amount of barley sugar and chocolate and ruin their teeth in a most monstrous manner. I do not always agree with Mr Justice Avory's utterances, but I did quote an utterance of his in one of my books when he said that "the law should be maintained and enforced for punishing the vicious habit of those who consume sweets at bedtime" (Laughter). This quotation of mine aroused merriment, and the Judge took the unusual step of obliterating this sublime utterance from his judgment at the end of the year, from the legal "Hansard", but I think it ought to have been preserved as an admirable remark, if restrictions on eating and drinks are to come within the domain of the law.

I was reading this morning a book of another friend of mine, Mr G. K. Chesterton, which I hope will be widely bought. It is a book called "Avowals and Denials," in which he talks about

Puritanism, and maintains that Prohibition was really due to Puritanism, for it was due to the fact that people lost their religion and kept their morality—which Mr Chesterton very properly says is deplorable, especially if it is of the Puritan variety (Laughter) He argues that the result of a very stern theology like Calvinism is that the theology goes but there is the social or moral equivalent left, so that to prohibit anything becomes almost a virtue.

I do not know what steps can be taken to get rid of these restrictions, because they are very much bound up with vested interests. A whole number of incomes are dependent upon various hours at which you can or cannot supply such things as chocolates, toothbrushes or brandy, and it is a very difficult problem for those who have to tackle it practically—I am glad it is not in my province to do so But it does seem to me that the programme to start with is not to count them and to balance A against B and so on, but to cut the knot and ordain that restrictions should be swept away altogether. I am sorry to have kept you so long. I thank you for listening to me so patiently (Applause)

Life Law and Letters

Vestigia

These memories are mostly confined to the nineties, but perhaps 1886 is not too far off the margin. It was in the spring of this year that my parents unexpectedly called for me at my day school in a hansom cab and took me to Hammersmith, where I was immensely excited by the Boat Race. I shall never forget seeing a huge advertisement on a launch following the crews, with *Tit-Bits* on it. I asked my mother what *Tit-Bits* were, and she replied in rather shocked tones that it was a very vulgar paper and that I had better not ask any questions about it. To this day I never see the cover of that most respectable weekly without feeling that there must be some vague scandal about the contents.

In 1891 I was gowned at Eton by Vice-Provost Wilder, who was by then well in his nineties. The ceremony took place in the beautiful old College Library and I remember the solemnity with which the old gentleman, who looked as if he had returned from the next

world, pronounced the Latin formula. Just as he had finished a large clock struck the hour in the most mellow and impressive tones. Within a few weeks of the ceremony I saw the ex-Kaiser on the famous occasion when he was nearly killed by a horse, which did not like the firing of one rifle by itself when all the other rifles clicked in a preliminary volley I have never in my life seen so wonderful a display of horsemanship. Soon after this he passed within a few feet of me and I remember wondering why his face was green. I had never before, and have never since, seen a green human face. It was of course not a bright green but more the colour of a duck's egg.

Two years later I was taken to the first night of *The Second Mrs Tanqueray* for the purpose of exciting my youthful sympathy with women who incurred the penalties of ostracism owing to lapses from chastity which would not be blamed in a man. Forty years ago the moral atmosphere was very different from that in which we now live, and it is useful to have so definite a memory of a climate of opinion which is not likely to return so long as our civilization

Life Law and Letters

lasts Even then, however, there was considerable indignation at Ernest Vizetelly being in prison for translating Zola's novels at the very moment when that eminent novelist was being entertained at the Guildhall * I remember the small dark figure of M. Zola standing in the middle of a very enthusiastic group, from which I derived the rather erroneous impression that French novelists were admired in the City of London. It was certainly a very different reception which Alphonse Daudet experienced at Eton, where he strolled through the School Yard with a friend of mine who could scarcely understand a word of French, whereas, had the visitor been a Colonial Bishop, there would have been a great deal of pomp and circumstance and a military display by the Eton Volunteers

Oxford Characters

In my Balliol days I saw many outside celebrities, including Lord Curzon and Rudyard Kipling I remember Curzon's address in Balliol

* Perhaps it was this incident which evoked Zola's memorable slogan, "*Quelle canaille sont les respectables!*"

Hall just before he went out to India as Viceroy and although from subsequent knowledge I naturally admire his character and abilities, I must confess that never in my life was I so impressed by the vulgarity of any oration. It was the kind of speech that the ex-Kaiser might have made, substituting Balliol for Germany. Kipling had a most uncanny appearance and the impression that he gave of seeing almost the bones of anyone he looked at was almost sinister.

Oxford in those days still had a few 'characters' of the old-fashioned sort, among whom perhaps the most striking were York Powell, Robinson Ellis, and Higgs. Certainly Higgs was the most remarkable in appearance, and I shall never forget the dexterity with which he taught me Pass Logic at the expense of his landlady, whose replies to his questions perhaps designedly abounded in logical fallacies; he also spat in the fire of the Balliol Common Room with an unerring aim over the bald pates of the learned men who were sitting in front of him. He suffered considerably from bronchial asthma, but so long as he could spit he could breathe

Life Law and Letters

Spuo ergo sum!^{1*}

Robinson Ellis was a much less vivid figure, but I used sometimes to have some long walks with him, and acquired an astonishing amount of information about the less printable habits and customs of the ancient Romans, male and female. York Powell was in some ways the most distinguished and jovial figure of my time, and in spite of his bohemian habits was the last Don in Oxford to wear a top-hat. His rooms at midnight in Christ Church were full of books and manuscripts and drinking vessels, and apparently his rooms in Bedford Park were of much the same appearance, judging from the awe-struck gossip which sometimes filtered through about them from curious Dons' wives who would try to peer through the windows.

My Oxford memories end in a sort of set-piece at the Sheldonian Theatre. This was the occasion on which Cecil Rhodes had been invited to take his degree, as to which Oxford was sharply divided. No doubt some of the Dons knew of the famous will, under which a shower of wealth was soon to descend on the

¹Matthew Arnold points out that the root meaning of *sum* is "I breathe."

University. Others like Strachan-Davidson said that if you had asked a lady to dinner you could not well cancel the invitation because she had been involved in a public scandal, and of course the connexion of Cecil Rhodes with the Raid (whether proved or not) was certainly in the nature of a public scandal. Liberals, however, including Edward Caird, then Master of Balliol, and W. H. Forbes felt that to confer a degree on Cecil Rhodes in June 1899, was an intolerable stumbling-block to the British statesmen who were working for peace in South Africa. Such at any rate was my view, and I think that anyone looking back on the history of the time will agree that far more trouble should have been taken than was taken to achieve a possible settlement, and also that such a gesture as giving Cecil Rhodes his degree on that occasion must have caused much misunderstanding in Europe. I have always detested the Boers; but it is not soothing to reflect that our unfortunate countrymen are governed by them as the result of casual diplomacy and the aftermath of precious lives squandered in humiliating warfare.

Full of what I considered a laudable desire

Life Law and Letters

to prevent the disaster which followed, I went with a friend who is today not only a Professor but also a King's Counsel and a General, to the Sheldonian Theatre, armed with a megaphone, and through that instrument both of us alternately asked some rather searching but disrespectful questions of Cecil Rhodes. Rhodes became rather purple in the face, and finally he, accompanied by the Duke and Duchess of York* and Lord Kitchener, retired from the stage. I have always been told that during the retirement Rhodes's distinguished companions said that they would not take their degrees if Rhodes did not take his, and a clique was hastily organized in the Theatre. After listening to the loud cries of "Don't mind what the Balliol man says," Rhodes took his degree and won the day, but the cost of his triumph to the British Empire and to civilization can only be conjectured. "*Post nummos virtus*" does not invariably pay.

Memories of The Grange 1887-1891

The present Jubilee reminds me of the 1887

Later King George V and Queen Mary

festivities at The Grange, Folkestone, which took the form of a large bonfire over which our headmaster Mr Hussey fired six shots from his revolver as a *feu de joie*. Among reminiscences in *The Grange Magazine* I have noticed very little about the masters of my time. Mr Risk was certainly a wonderful figure with brick-red face, dark red hair, and a tight blue suit which suggested the use of a corset. If you stood beside him, he had a wonderful knack of cuffing backwards which never failed to surprise even if it did not hurt. He was of an amiable disposition but could be tactless—as when he publicly commented on my “*rubbing myself behind*” after a visit to Mr Hussey in his study. There was indeed ample excuse, for a friend of mine in the big schoolroom said that even through two doors he heard a noise like that of a carpet being beaten. The marks also lasted quite a fortnight.

I had always thought that the double inscription of my name in gold on the school boards was not likely to be excelled—but I was a little piqued on my last visit to The Grange to observe that the name of my friend A. P. Herbert was *thrice* inscribed.

Life Law and Letters

Perhaps the most unexpected performance of mine at The Grange was to sing the solo in the *Magnificat*, which I have never been able to repeat in later life. But I was also requested to arrange the whole time-table of morning and afternoon lessons for every day of the week. I still keep it framed and glazed in my study.

I often wonder if Mr Risk and the other masters Harrison, Reece, Campbell, and Moore are still alive. They were an unusually good team of deservedly popular and efficient assistants. It was perhaps my fault that I did not get on so well with the writing master. I was given a book called '*Don't*' and left it open on my desk at a page which in large print contained the injunction — "Do not imitate the flourishes of the writing master."

On being late for dinner

My wife recently sent me the following paragraph as a warning —

“Mme Guigne, 25 years of age, has been sentenced to two years’ imprisonment for killing her husband by shooting him because he failed to come home to dinner. As, however, she is granted the benefit of the First Offenders Act, she will not have to serve the sentence. The prosecution alleged that on the evening of the crime Mme Guigne, after waiting for her husband to come home so long that the dinner was spoiled, set out to find him. Going to a café, she found him there drinking with his friends. She was so infuriated that she drew a revolver and shot him dead”

It is interesting to speculate what would have happened to the lady in England.

G K Chesterton’s “Avowals & Denials”

Some years ago M Halévy, the French historian, was kind enough to ask me if Belloc and Chesterton were not my literary parents. I replied that although I could not claim the literary stature of either, I felt that both Chesterton and I were derivatives of Belloc

Life Law and Letters

respectively representing Belloc's English and French qualities I mention this as a disqualification for reviewing this book, for I have read and admired Mr Chesterton's writings for at least thirty-five years and have scarcely ever missed the articles in the *Illustrated London News* which make up most of this volume

The obvious weakness in the style used to be a certain verbosity which comes of a youth in Fleet Street and sometimes involved a multiplication of similes where one would suffice But unlike Mr Chesterton's figure his style has become almost lean and therefore even more trenchant. One cannot prune such a sentence as —"Moscow has the same stupid belief in mechanical action and dead matter supporting its extreme Communism which our fathers had supporting their extreme Individualism And just as their machinery is borrowed machinery, so their materialism is borrowed materialism"

Mr Chesterton uses all the weapons of Dr Johnson in making his own opinions appear almost infallibly true and in his earlier work he did sometimes use the appeal to common sense a little unfairly, but it is becoming difficult to

catch him out now In his scarifying remarks on Prussianism and Puritanism and even more on the "New Prudery" he displays a suit of armour with very few chinks in it. He can sometimes beg a question without the least chance of being detected and displays the qualities of a first-rate theologian.

It is astonishing that a man of sixty can go on writing about every topic under the sun quite as vigorously as he did in his youth, which presumably means that his convictions are today as ardent as they were thirty-five years ago Age has given him the usual wisdom of experience as when he writes:—"The point is that the young very often mistake for the movement of going on, what is, so far, only the movement of going round Between fourteen and forty, a man sees a great tide coming in and another tide ebbing away, and associates the first with the future and the second with the past But by the time he is fifty, he has generally begun to realize what is meant by ebb and flow, and by the turn of the tide He may even happen to be in favour of the tide that is flowing today, or he may look forward to the counterflood that

Life Law and Letters

may flow tomorrow, but he does not think that the movement tomorrow is certain to be a mere extension of the movement today"

Women as Solicitors

(written in 1920)

It is difficult to understand why up to now there have been female surgeons, doctors, and oculists in this country and female lawyers in many other countries, but no female lawyers in the United Kingdom. Clearly, both branches of the law offer as excellent an opening for the same type of celibate woman with exceptional talent as any other profession. If all fathers of families were legally compelled to provide a dowry for their daughters before they provided for their sons there would be some excuse for excluding women from professions in which they can either sink or swim, but at present sons usually get more. The distinction of sex always seemed to me eccentric, but perhaps that was because I was ushered into this world by a female doctor and was taken to consult a female oculist in very early youth. It is, of course, impossible for a

young mother to stand the severe strain of a busy practice, but I may perhaps quote the example of the late Mrs Humphry Ward and Mrs Garrett Anderson as showing that the cares of a family when past early infancy do not prevent women from achieving eminence in a learned profession. Mr Havelock Ellis has pointed out that our civilization tends to assimilate the sexes, and the relations of counsel and solicitor are not unlike those of husband and wife; for the assistance of the solicitor is silent and unobtrusive, and even when victory is achieved it is the barrister who obtains all the credit for it. A wise old lady once said to me, "An honest man's the noblest work of woman"; and few men have succeeded in life, just as few counsel have succeeded in the law courts, without just the right kind of support and "instructions."

Divorce for the Poor

I remember hearing a French lawyer give evidence before the Royal Commission on Divorce and Matrimonial Causes. When asked

Life Law and Letters

about divorce for the poor he said, "If anything, there is too much divorce among the rich, but the poor man needs divorce much more than the rich man, because he has no servants" Most of the lawyers in the room were startled by this elementary piece of common sense, just as lawyers are often startled by the proposition that a poor man's property is important to him because he has so little of it, and there is today no class in the community which suffers more from the Collectivist pose of the rich than the small property-owner, who is frequently a widow. The small property-owner is always sacrificed with great pomp and state whenever the plutocrat feels that there is any danger of new taxation.

Solicitors and Partnerships

The relation of partnership cannot exist between barristers but does exist between solicitors, as it also does in any other kind of business. The partnership relation is often as exacting as marriage, even though it is only as a rule for a term of years or even annual. But the

partnership of solicitors is perhaps more difficult than the ordinary partnership because a solicitor's activities are so multifarious and a solicitor's work depends much more on his personality than, for instance, the art of buying and selling jute. Some partnerships are more or less a matter of inheritance and may be compared to a *mariage de convenance*, while other partnerships, arising from the free will of the parties, are more romantic

In a solicitor's office there are endless possibilities of dispute in regard to clients, clerks, and personal habits. One partner may think that one client is his property and may be quite annoyed if in his absence the client exhibits any enthusiasm in regard to the activities of the other partner. Similarly, one partner may be inclined to consider particular clerks, or in fact all of them, as his own servants in priority to the claims of other partners. In regard to personal habits, considerable difference of opinion may arise on the question of smoking. I remember a battle that raged for at least two years between two partners on the question of pipes and cigars. A smoked a pipe and B smoked cigars, and A

Life Law and Letters

maintained that whereas pipe-smoking soothed the nerves of a well-regulated solicitor and made a solicitor's office a thing of beauty and a joy for ever, cigar-smoking on the other hand degraded the smoker and the staff and created a moral atmosphere which could only lead to ruin and destruction. One can imagine a similar complication on the question of intoxicating liquor, but the time has gone by when a solicitor would keep a bottle of port handy for the delectation of his clients and himself after the admirable manner of Meredith's Mr Thompson.

Perhaps the most important thing for partners to remember is that partners, like spouses, should not see too much of each other. I once knew a man who was almost inconsolable through the loss of his wife, although they lived in separate houses and were only together for a short time in the course of each year. He told me that his marriage had been one of ideal happiness, and that he made the arrangement because in his youth he noticed how much happier his parents were than most married couples. His father had been a sailor, but the fraction of the year that he spent with his wife

was always quite a little honeymoon.

It would perhaps be difficult to carry out such a scheme in the case of partners, but certainly no partner can be more disagreeable than the sort of inquisitive, garrulous man who is always coming into his partner's room to see what he is doing, and it ought to be recognized between partners that each of them must have a free hand

I fear that partnership has even more possibilities of disharmony than marriage, and my reason for thinking so is that I have hardly ever attended a public dinner without my neighbour unfolding his candid opinion of his partner, if he had one, sooner or later in the course of the evening, and the grievances were usually more emotional than financial. The clothes, manners, and customs of the partner seemed to excite more dissatisfaction than the graver financial problems connected with the partnership, from which I infer that partners frequently get on each other's nerves to an unbearable extent.

Divorce law reformers sometimes seem to imagine that marriage will be one long, sweet song if only one spouse can get rid of the other

Life Law and Letters

by giving to the other three years' notice I fear, however, that this will not entirely solve the emotional problems of marriage any more than it solves the emotional problems of partnership. Aristotle pointed out many years ago that friendship was founded on a pleasing appearance, common interest, and a mutual appreciation of good qualities. To some extent this applies to partnership, and in addition to that partners have what may be considered a parental interest in joint ventures or enterprises which may often keep a partnership together just as children support the institution of marriage.

I have thought it as well to mention the unstable equilibrium of partnership in view of the enthusiasm displayed by certain advocates of fusion who want to see barristers and solicitors in partnership, and it may also be well for the laity to know that tact should be displayed in the consultation of different partners. Partners are only human, and to that extent are, in Lord Bowen's words, apt to be unduly conscious of each other's shortcomings.

Solicitors and Funerals

The final examination for solicitors includes more subjects today than it used to do; for instance, it very properly includes an examination in book-keeping. If, however, there is one other subject which ought to be included it is the subject of funerals, and certain rules ought to be observed. If, for instance, the solicitor is invited to a funeral it is judicious for him not to charge his railway fare in the probate bill; and, on the other hand, a solicitor is not pleased, if he is not also a friend, to find that he has been asked to fill up a mourning coach when the will is going to be proved by another solicitor. A solicitor, however, should always know how to order a funeral or a cremation, and should be well acquainted with the prices of coffins and their contents. In order to carry out the last wishes of a client I once had to engineer during the War the transport of a dead body from the Channel Islands to Southampton for the purpose of being cremated, and it was not an easy job when the English Channel was infested with U-boats. However, owing to the efficiency of

Life Law and Letters

the Cremation Society the operation was carried out without a hitch, and the Society was even able to obtain the services of a Catholic priest to read the Catholic funeral service, in spite of all Catholic prejudices against the practice of cremation. No solicitor should forget that a special coffin is necessary for the purposes of cremation and that any corpse that is to be cremated has the advantage of two medical certificates. Either the deceased or the executors must express a wish for cremation, but it is curious that if the executors disagree with the wishes of the deceased they can have their own way, as the law does not permit a man any property in his own body when dead.

A solicitor should always be prepared to read the will, for there is a kind of tradition in some circles that a will is hardly legal unless it is read aloud after the funeral. He must also be prepared to compose any family differences that may arise after the will is read. A solicitor is oddly *safeguarded against the beneficiaries* of a will even supposing he has made a mistake. Thus, if he was instructed to record a legacy of a thousand pounds to John Jones, and by

mistake put down a hundred pounds, John Jones has no remedy against the solicitor.

Funerals, nowadays, are becoming simpler and wills shorter than they used to be. A funeral used to be a very complicated and expensive affair as everyone who came was presented with a prayer-book, a pair of gloves, a hatband, and in the old days, instead of a hatband a crape streamer or "scarf" which went round the hat and hung down behind. My grandmother, who had a large family, found streamers very useful for making mourning frocks for her children, and no doubt they could be put to other uses also. In these days, however, the mourner gets nothing at all, and such is the rapidity of modern life and death that motor hearses are constantly breaking the speed limit. An enterprising solicitor, however, should be prepared to undertake a funeral anywhere, and for the benefit of other solicitors I may perhaps be allowed to recall my experiences in France nearly forty years ago.

A client of mine, an elderly spinster, died in a cheap hotel in Paris and as her only surviving relation was too old to undertake the journey,

Life Law and Letters

I was despatched with the parish clergyman and his wife and daughter, who, although in a state of decent melancholy, were at the same time interested in seeing Paris. On arrival we found the body in exactly the same position as when death occurred, and the authorities had put seals on her personal possessions, although the deceased lady's watch was never found.

For various reasons we decided to bury the lady in a Paris cemetery, and then the trouble began. The State undertakes burial in France, and ordains nine different classes of funerals on a scale suitable to the rank and fortune of the deceased. After reading a vast quantity of regulations, I came to the conclusion that the fifth class, with a hearse and two mourning coaches, was the proper class to choose. I then had to fill up an interminable series of documents about the deceased's family history and my own.

I flatter myself that there were only two serious hitches in the proceedings. The first was in regard to the funeral ceremony itself. Unfortunately, the clergyman's wife had a predilection for incense, and knowing that incense had been used in Ely Cathedral up to 1750, I

did not see why she should not have it if she wanted it. This, however, excited violent indignation in the verger, who was present at the Embassy Church, and he nearly created what in ecclesiastical circles is known as a brawl. It took some time to soothe him before the funeral service could be carried out.

In the second place, I seriously offended the driver of the coach which conveyed us to the cemetery and back. The hotel-keeper had told me that we could take the coach wherever we liked so long as we did not come near the hotel, where the death had been carefully concealed. Consequently I considered myself at liberty to show my friends some of the sights of Paris, with which I was more familiar than they. The clergyman's daughter had seemed a little distressed by the fact that she had never seen a dead body, and particularly that of the lady who had been buried. So I benevolently directed the coach to go to the Morgue, which was in those days quite a popular show. At this stage I did not notice any discontent on the part of the coachman, who may have supposed that we were a kind of burying party looking out for

Life Law and Letters

deceased Englishmen and women. As we were all getting hungry I gave him the name of a restaurant in the Latin Quarter, and on arrival asked him if he would wait half an hour. But by this time the outraged dignity of a professional funeral-coachman, suitably arrayed in deep mourning and a streamer, asserted itself, with a wealth of gesticulation which attracted a large crowd on the pavement and in the road. He asserted that as a professional coachman in the service of the French Republic, he considered it necessary to maintain the dignity of that Republic by refusing to allow himself and the State coach to be used for the purpose of sightseeing. He finally ended an impressive oration with the searching but rhetorical question whether, after the meal, we proposed that he should drive us to the Moulin Rouge?

I ultimately succeeded in soothing this gentleman and dispersing the crowd, who seemed rather too sympathetic to let us enjoy our meal in peace. On returning to the hotel it became necessary to effect a settlement with the hotel-proprietor, who required an indemnity of no less than a hundred pounds in respect of a lady who

had died suddenly and quietly of heart failure, and whose life would probably have been saved if the servants, who had presumably taken her watch, had not left her alone for at least thirty-six hours while she was alive. I will not repeat the proprietor's arguments in detail, but may mention that he began by stating that his nerves had so entirely broken down owing to the death that he had not been able to sleep in the hotel while the dead body was there. He was unable to share the British phlegm which had enabled four English persons to sleep in the rooms with which he had accommodated us. However, I may cut a long story short by saying that he ultimately accepted twelve pounds in full satisfaction of his claim after being told that if he disputed the amount the question should be referred to a *juge de paix*. For a foreigner could always obtain justice in Paris, though very rarely in Berlin, before 1914.

I fear that this anecdote may seem a little tedious; but I think it will illustrate the way in which a solicitor must be prepared at a moment's notice to transact business with which he may be wholly unfamiliar, and to bear in

Life Law and Letters

mind how easy it is to make mistakes in ceremony and convention when it is very important to make no mistake at all. In this connection I may perhaps pay a tribute to undertakers, who, in my experience, display an exceptional amount of tact and consideration. A mourner is an unaccountable person, for grief, more often than not, takes the form of acute irritability, and it is the undertaker's business to soothe him. I have never in my life seen an undertaker smile, even when pardonably imbibing strong liquors after the funeral is over. I presume, however, that undertakers enjoy some method of laughing inside which is a mystery of the profession. It is certainly about the most disagreeable profession in the country, except perhaps that of a public executioner, and I think that the admirable way in which an undertaker carries out his duties deserves more recognition than he generally gets. And I am sure that in a recent lawsuit in which an undertaker failed by reason of what was called breach of contract, it was the loser who enlisted legal sympathy.

Neurotic Punctuation

The superfluous commas of printers have always been trying to an author who knows anything about punctuation; but the matter is now complicated by the neurotic full stops which are adopted everywhere. No letter can be dated without a full stop after the word and no name can be printed outside a place of business without a full stop after the name just as in Germany one cannot begin a letter without putting an exclamation mark after the words *Sehr Geehrter Herr*. I imagine that this is all due to some kind of war hysteria.

Mr H. G. Wells's Farewell to the P E N. Club

"It was worth while noting the divergences of attitude towards creative imagination, its place and function, which are very marked in different countries. In France, and in English-speaking countries, it seemed to him quite clear that the creative imagination was regarded as more important than any political structure or political discipline, and that the individual was

Life Law and Letters

regarded as of more importance than any political or economic organization. We were born with that persuasion, it was in the air we breathed, and it was with amazement that we discovered that this point of view was not accepted everywhere. There were countries where individuals were regarded as units in some great organization. We have here a fundamental conflict between the individual and the organization which we are nowhere near resolving."

Some years ago I wrote that Mr Wells was at heart an individualist and these remarks appear to justify me.

Imaginative Borrowers

Mr Agate quotes in his "Ego" a French maxim — "*Une dette est une œuvre d'imagination que les créanciers ne comprennent pas*" No doubt most borrowers are optimists whose power to repay exists only in the roseate colours of their inner consciousness—but perhaps one may add that creditors are even more optimistic if not imaginative.

Gambling

It is odd how watertight the compartments of the mind are in regard to gambling. Like most people I have made quite good profits on the Stock Exchange with corresponding losses; but I have never been so unbearably excited by these transactions as when I put shillings into the Jackpot. On one occasion I received the sum of forty-six shillings in a silver shower. Not content with this triumph I went to another machine and tried my luck on that with the result that I lost £5. When one has abandoned the unequal struggle with this machine it is always amusing to watch other people manipulate it.

I once saw a machine which absorbed shillings for about three weeks on a South American voyage. When the boat stopped at Lisbon a rather drab female came on board and dropped a shilling into it which unloaded most of the previous contributions from the passengers. She was not popular on board.

I suppose that one keeps one compartment of one's mind for cash and another for cheques.

Life Law and Letters

Moreover there is a certain finality about losing a shilling which does not usually apply to stocks and shares. Stocks and shares may slowly evaporate, but this evaporation has not the desperate finality of a shilling disappearing into the Jackpot.

Loss of Two Anchors in Spain

When I was cruising the other day my ship became hopelessly entangled with two anchors. The strands of the cables seemed to get mixed up as the ship drifted about in the conflicting currents of the harbour. It took no less than three hours to get the ship afloat and the two anchors were left at the bottom of the harbour. The ship then gaily raced back to Southampton without worrying about the anchors which I always thought were indispensable for safety at sea. I was reminded of a passage in one of Fitzjames Stephen's books in which he describes human life as resembling a ship surrounded by fog with a captain who knows nothing about the sea which he has to navigate and a helpless crew.

However I reached Southampton quite safely and in record time.

Santillana

After sailing into the lovely harbour of Santander, which I am told is very Californian in character, I went to the charming little town of Santillana so immortally associated with Gil Blas. I have seldom been so fascinated by a place. We were first taken in some prehistoric caves the interest of which was ridiculously small compared with the town itself. There is a lovely Romanesque Church with wonderful cloisters and delightful old streets. Many of the houses are covered with roses and have a balcony to each floor.

There were two flies in the ointment. One was that at the inn it was impossible to obtain any liquid refreshment but a filthy form of champagne cider which appears to suit the Republican atheists of modern Spain. The other was that it was impossible to obtain a postcard of the Church presumably because it was a Church.

Life Law and Letters

If this sort of thing goes on I shall become a
Papist and a Jacobite

Corunna and Santiago

Corunna is one of the most finely situated cities in Europe near a river which reminded me a little of the Tweed. I have often visited the graves of Englishmen who died abroad, but they are seldom so well designed as that of Sir John Moore. Reading the well-known lines on his burial, I wondered who Charles Wolfe (the poet) was. I had always imagined that he was some junior officer with a gift for amateur verse which on this occasion was stimulated by strong emotion into a minor classic. On looking at the *D.N.B.* I found to my surprise that Wolfe was a contemporary Irish curate who had probably never seen Sir John Moore at all. Anyhow the condition and appearance of the tomb is a refreshing contrast by the side of many other graves such as that of Henry Fielding at Lisbon.

One can drive forty or fifty miles to Santiago, which is really one of the world's marvels, for

Life Law and Letters

the City is all of a piece and utterly unspoilt by any modern rubbish. The Cathedral and adjacent buildings have all the spaciousness of Mantua and an architectural opulence which reminded me of what Baedeker calls "sacred edifices" in Petersburg. Just as at Granada, the whole place seems to have been built into an exquisitely appropriate landscape; but as so often happens in conducted tours, quite an excessive time is spent on the Tapestries, which although very fine in their way, are not up to the level of the architecture.

Stoppage (written in 1935)

When I was recently on a motor-car excursion in Spain I noticed that on at least three occasions all the cars were held up for about half an hour while the police made a number of inquiries. The usual result was that three or four policemen wanted a sum of ten pesetas which they received after upsetting the whole timetable of the expedition. I suppose that this is what we must expect in progressive democracy.

Life Law and Letters

and that the time will soon come when an express train or ship will be periodically stopped in order that a number of inspectors may ascertain what the passengers are doing, what they are eating or drinking and whether they are gambling or indulging in sexual offences. The mere spectacle of any human or mechanical activity is quite sufficient to stimulate modern legislators to measures of obstruction and inspection. The whole thing is getting beyond a joke.

Mr Frank Finch

"butler to the Dons at St John's College, Oxford, has died. He was also a poet and novelist." Such is Mr Finch's epitaph in the lapidary style of the *Daily Mirror*, which by restricting the use of capital letters to "Dons" keeps even a deceased butler of literary eminence from intruding into social eminence.

Unluckily I never had the privilege of meeting the late Mr Finch and have not yet come across his works. But domestic service can be very happily combined with literary work and

nothing would ever induce me or most sensible persons to depend on literature as a crutch as opposed to a stick. Moreover I have often met domestics (such as a parlourmaid who came to my parents in the eighties) who had a very pretty taste in the reproduction of words which were often an improvement of the original, rather in the vein of Mr Polly.

For instance, the word *buffet* was not so long ago most happily transformed in a telephone message (by which a young lady was asked to join her swain at the "Berkeley buffet") into "*buffery*"—a word which most marvellously combines the associations of "*buffy*", "*buffer*", "*buttery*" and many other words beginning with *b*. I can remember, soon after embarking on a cruise, asking my own butler what the other passengers were like. He returned in five minutes and remarked:—"Most of them look as if they had come out of the Edgware Road and some are already wishing they were back in it." This description turned out to be only too correct.

Life Law and Letters

Liberalism and Liberty

In the spring of 1935 I addressed thirteen members of the Oxford Liberal Club in the Town Hall on this topic which I thought appropriate to the home of lost causes. However if the causes were really lost I presume that the audience ought to have been larger.

It is true that according to the tradition of the 18th century Oxford should be Tory and Cambridge Whig in accordance with the well-known epigram of Thomas Warton and the reply by Dr Browne. The Oxford epigram runs as follows —

The King observing with judicious eyes
The state of both his universities,
To one he sends a regiment, For why?
That *learned* body wanted *loyalty*
To th'other books he gave as well discerning
How much that *loyal* body wanted *learning*

to which Dr Browne replied —

The King to Oxford sent his troop of horse
For Tories own no *argument* but *force*

With equal care to Cambridge books he sent
For Whigs allow no *force* but *argument*.

However both Universities are now equally loyal and the Fascist movement is about equally unpopular in both. Odd as it may appear nowadays, there is a verbal connexion between Liberalism and Liberty, for from the year 1400 the word "liberal" has been used to connote what is free as distinct from what is servile and it is in this connexion that we still use the phrase liberal education. The word "Liberal" was used as a label of political reproach against the Whigs in the early 19th century as connecting them with the politicians of the French Revolution, but as the word was already used in a good sense the Liberals did not repudiate the term. The Whig idea of liberty, derived from aristocratic traditions, was essentially identified with the rights of the small man (whether bourgeois or peasant) as against the tyranny of bureaucracy and extravagance in spending public money. On the personal side the theories of Locke and others were reinforced by French writers like Voltaire and Rousseau and again taken over by

Bentham and John Stuart Mill Later on Herbert Spencer became the protagonist of liberty and the Hegelian philosophers who sneered at Spencer can at any rate quarrel with the accuracy of his predictions, which are largely due to the triumph of German collectivism over French individualism

The old type of Liberal statesman such as Mr Gladstone or Sir William Harcourt or Lord Rosebery maintained a high ideal of individual liberty in spite of their Nonconformist supporters, who did not share the respect which their leaders entertained for the amenities of human life even where the poor were concerned. The Liberal became more and more entangled with the tyranny of Trade Unions and the Fabian notion that the State should turn out a standardized type of citizen instead of a citizen with some character of his own and power to choose between different ideals In the long run this must logically involve going back to the communism of Plato under which every citizen is moulded by a chosen body of persons called Guardians The answer to this is *Quis custodiet custodes*

A Solitary Funeral

On one occasion I went to the funeral of a very old client, the sole surviving bachelor of an illustrious county family which had made a fortune out of paper in the early part of the 18th century. To my surprise I found when I arrived at his address that I was the only mourner and drove in solitary state to the cemetery. After the coffin had been deposited in the grave the officiating clergyman came up to me and offered his condolences to me as he supposed that I was the only son of the poor old gentleman who had just been buried. He was rather perturbed when I said, "I am not his son but only his solicitor"

Mr Horobin on Planning

Mr Horobin seems to have taken over the activities of Sir Ernest Benn, who has recently been rather silent, but like Mr Hartley Withers Mr Horobin is quite as lucid as Sir Ernest Benn and his style is more concise. There must be many scattered individuals who see red when

they meet with the word "planning", which has become little more than a catchword in applying some new form of imbecile interference with the workings of economic principles which are, after all, in the last resort based on human nature. Our Victorian ancestors refused to listen to Ruskin's economic theories, but these theories were sane and rational compared with the woolly nonsense which is now popular at almost any political meeting.

Mr Horobin takes perhaps too charitable a view of what is going on, but there is undoubtedly evidence that human nature being what it is, many people are making money under the most hypocritical pretences of social welfare. Are we to suppose for instance that no Borough Councillor ever has any private interest in some new demolition scheme which forces a number of people to evacuate well-built cottages and houses which could easily be repaired and to live in gimcrack flats in a locality which puts them to grave inconvenience? The decisions of the County Courts in these matters shed a disagreeable light on the apparent philanthropy of bureaucracy with the result that the House of

Commons has already abolished the right of appeal against bureaucracy.¹ However even if there is more method in this modern madness than Mr Horobin suspects, he has written an excellent little book which ought to be placarded all over the country and which is fortunately being read in the House of Commons. He is not much surprised at the effects of economic nationalism and social disorder. "You might as well think it surprising that your home was disorganized, when the cook was waiting in the kitchen and the butcher boy was outside with the joint; but you had persuaded the cook to lock the kitchen door from the highest motives of patriotism, and the butcher boy was whiling away the time parading up and down the street, so busy being class-conscious that he had no time to be conscious of the claims either of his employer or his customer."

Mr Horobin insists that all social and industrial prosperity reposes on the producer being able to guess to some extent what the consumer is likely to want. This, however, is now becoming impossible owing to the interference of

* These County Court appeals revealed gross and scandalous tyranny

Life Law and Letters

ignorant politicians "Nowadays you have to make (a) something that a politician tells you to make. (b) something that he tells someone else to lend the money for, because no one is prepared to pay for it himself Sooner or later he can't borrow any more and the pool goes bust and the market with it, or else he gets the sack or a new brain-wave or makes a bargain with some other nuisance in another country, and you have to alter all your plans at a moment's notice in the intervals of being told how badly you manage your job, and how well he will manage it for you if you don't do what he tells you today (which is always the opposite of what he told you yesterday) "

Wine of the Wallis

A Swiss wine merchant has taken to Americanizing his language with the result that the word Swiss Canton Vallais is converted into Wallis He describes the Wine of the Wallis as follows —

Since Caesar entered this valley and the Romans have planted vines on its fertile

Life Law and Letters

stony soil, it was blessed with the benevolent sunshine, and Wine has ever been grown there. Its unequalled quality has created an ever-growing demand from all over the world. It is no secret that the Wine of the Wallis supplants the supremacy from his brothers the Rhine and the Moselle.

He also becomes quite lyrical in American about the following wines:—

Orsat Star (Etoile du Vallais)

Orsat Star is a peppy refreshing white wine, the inciting spirit, which keeps mankind awake, gives strength and courage and—joy to life.

Orsat Johannisberg

Another well-known white wine from the Johannisberg, the spirit of the festivals—the Love-potion of the youths.

Orsat Dole

is a glimmering powerful red, the creator of seductive temperament, the symbol of the

Life Law and Letters

warmth of youthful blood, the inspiration
of a thousand and one nights

The Citizen and the Law

The anonymous solicitor who writes this book describes and sets down in plain language the present state of the law with regard to a number of matters with which the ordinary citizen is likely to be directly or indirectly concerned. The author rightly contends that "books of the *Everyman His Own Lawyer*" type necessarily express themselves in general terms, and attempt to cover too wide a range. He might have added that his own book combines with instruction much denunciation of the law as it stands and many valuable suggestions for reform.

He suggests that there are "probably many mistakes in the book", but I have not been able to discover any legal blunders unless the hoary blunder of referring to Francis Bacon as Lord Bacon can be called a legal blunder. There is one other curious error, namely, the statement on page 73 that Oscar Wilde was "the strongest

man of his time at Cambridge” It seems odd that Cambridge should be credited with so typical an Oxonian figure

As might be expected, there is some strong condemnation of the harm done by magistrates (paid and unpaid) in regard to separation orders One reads of monstrous cases, typical of a system under which a whole number of unfortunate husbands are unnecessarily imprisoned for debt In most cases the husband's income is grossly overestimated and orders are often made against the husband without giving him and his witnesses an opportunity of giving any evidence “The main result is that the magistrates assume, for all practical purposes correctly, that the law allows them to deal with matrimonial cases just as they please, and that even if they do make an attempt to understand the law they are likely to be wrong”

The same sort of injustice is mentioned in the chapter on The Police, as for instance.—“The main trouble with the police is that they have been, and are, allowed to usurp the jurisdiction of the magistrates, and in effect to try the cases themselves, a police prosecution, if pressed,

Life Law and Letters

automatically ensuring a conviction. It is unfortunate that in many courts they are allowed to take control of the procedure, ordering witnesses out of court, telling them how to behave, and calling on cases in any order they think fit." These police privileges (including advocacy) could never have come into being but for the sloth of the magistrates.

I have read nearly all books of this kind that have appeared for the last thirty years and I have seldom come across a book which combines such learning, lucidity, and sense of humour. Apart from the points mentioned above the concluding chapters on Household Servants, Doctors, Animals, and Motorists are full of information and exposition which will be as useful as they are entertaining to the reader.

Alexander's Ragtime Bicycle

In July 1935 Mr Dudley Barker wrote about a young man called Alexander who came on a bicycle to a party and left it outside. When he came out he found that the saddle had been

reversed by a practical joker. "That made it awfully difficult to ride," said Alexander dolefully to the magistrate, "but I didn't realize that until this morning." "But if you were drunk," pointed out the magistrate, "you could not have ridden the bicycle anyhow. Pay 2/6d, and 10/6d costs"

On reading this paragraph I wrote to Mr Dudley Barker as follows:—"In reference to your pathetic story in yesterday's *Evening Standard* of Alexander and his bicycle I cannot understand the decision of the magistrate. Many years ago I went to dine with Mr Arthur Waugh at his house at the top of North End Road which goes down a hill to Golders Green. I was very thirsty before I got there and thought that I might not get much to drink so I had a good long drink at the *Bull & Bush*. However when I did get to the house I was given cocktails for at least half an hour because dinner was late and was then asked to give my opinion on six different wines at dinner. My host was anxious to prevent my going home on my bicycle and in fact doubted whether I could mount it. However I mounted it and went full tilt down the

Life Law and Letters

hill to Golders Green turning at right angles into Finchley Road and reached my house in St Johns Wood Park without any trouble at all. The only untoward incident was that I fell on the pavement after dismounting, but fortunately no policeman was present and I had no difficulty in getting up and entering my house. In view of these facts the magistrate's remarks seem to me singularly fatuous. Obviously no sober man could ride on a reversed saddle without accidents."

An Essay on Immorality

The other day I came across a book entitled *An Essay on Immorality*, published in Three Parts in 1760 for two shillings and sixpence. The parts ran as follows —

Part I

The Introduction An enquiry into the Origin of Evil, which is found to proceed from three Causes, the inherent Corruption of human Nature, the Carelessness of Education, and the

Contagion of Example. The author then descends to a more particular View of the common Vices; beginning with the ungenerous Gratification of lawless Love, in the Ruin of innocent Girls. He next proceeds to consider the Pleas of those who frequent the Stews: And concludes this Part with general Reflections on the Nature of Female Virtue; proving it to be the Life and Support of all that is truly amiable in the Fair.

Part II

The False Pleas of Passion. Temptation the Test of Virtue, tho' not always the Cause of Vice, instanc'd in those Crimes which cannot plead this Pretence. The Danger of repeating other Men's Oaths. The Guilt of Equivocation prov'd equal to that of literal Untruth. A Sketch of the Gamester. A drunken Evening particularly enlarg'd upon. A Picture of its odious Conclusion; The Omnipresent Deity represented as viewing this vile Abuse of human Nature. The proper Use of Liquor Temperance its own Reward. The dreadful Consequences of a vicious Life both here and hereafter. The Wisdom of

Life Law and Letters

*him who forsakes his Sins, and perseveres in
Virtue, in Spite of all his former Temptations*

Part III

*The Origin, Power, and pernicious Effects of
Detraction The great Advantages of Reflection
The Nature and Absurdity of human Pride,
exemplify'd in a View of Man as Part of the
Universe The partial Pleas for smaller Vices
confuted The Decay of Religion The Danger
and Ingratitude of profaning the Sabbath The
Conclusion, a Contrast of the preceding Vices,
in a Picture of the virtuous Man, his present
Comfort, and future Expectation*

The author reaches wonderful heights of description in regard to drunkenness as follows —

Stretch'd on a Couch a second Victim lies,
Convulsive Reachings strain his starting
 eyes,
The mighty Strugglings vex his boiling Blood,
Till from his Mouth swift bursts the nauseous
 Flood,

Then ends the raging Tumult in his Breast,
And, fitly drench'd in Filth, he sinks to Rest.
Here reels a third against the echoing Walls,
And thence upon the guilty Table falls ;
Cups, Glasses, Bowls, and Bottles he destroys,
Then bury'd in the mighty Ruin lies ;
The pointed Spoils his streaming Temples
 wound,
And Wine and Blood remingle on the Ground.
A fourth with half clos'd Eyes and stamm'ring
 Tongue,
In vain, attempts to murmur out a Song ;
Insulting Hickups check the fault'ring Strain,
And half remember'd Stanzas mock his Brain
Here Champions who their former Feats have
 told,
And bragg'd of Stomachs that can Oceans
 hold,
With loaded Paunches, now supinely snore,
Like breathing Hogsheads, on the floating
 Floor.

This is followed by a wonderful speech addressed by "the God, who views him with a righteous Eye".—

Life Law and Letters

"Is this, O Man, the Faith and sacred Trust
"For which my Goodness rais'd thee from the
Dust?

"Are these the Pow'rs which envious Hell
controul,

"The Pow'rs I gave thee to defend thy Soul?

"Is this vile Scene the Gratitude I find

"For all the Charms of Body and of Mind?

"Was it for this my gracious Hand impress'd

"With soft Humanity thy feeling Breast?

"Form'd thee erect to view thy native Sky,

"And fir'd with heav'nly Beams thy radiant
Eye?

"Bade sacred Reason o'er thy Aspect shine,

"And fix'd thy Soul immortal, and divine?

"Oh! lost to all that's worthy, great, and good,

"In all that's wretched, mean, and base,
imbru'd!

"In vain I strive to shield thee, and to save,

"Whilst thus thy Crimes my injur'd Justice
brave

"View, ye celestial Host! this foul Disgrace,

"Tis thus I'm honour'd by the human Race!

"Behold your Fellow-Native of the Skies,

"As thus immers'd in odious Guilt he lies

Life Law and Letters

“Of ev’ry heav’nly Ornament bereft,
“See ye one Feature of my Image left?
“Shall such a Wretch your bright Assembly
 join;
“Or, clad with Glory, in my Presence shine?
“No! sooner shall my righteous Arm erase,
“And strike from Being this rebellious Race,
“But I have plighted my eternal Word,
“Which oft unmov’d his impious Soul hath
 heard,
“That he shall ever live my Wrath to know
“In the dread Realms of never-ending Woe.”

I imagine that if the author were to return to us now, he would find his peroration a little inadequate; but I am sure that it will be echoed by many of my contemporaries

Virtue, in Man, is now an empty Name,
Whilst growing Vice appears his only Aim
Reason to raging Passion is resign’d,
And Conscience quits her Empire in the
 Mind

In vain she frowns, in vain she lifts her Dart,
Pleasure and Gain ingross the guilty Heart

Life Law and Letters

That this is true, in the most base Degree,
We ev'ry Hour may vile Examples see
Religion now has lost her sacred Pow'r,
The Business only of a vacant Hour,
A Thing which Men of Spirit can despise,
Below the Notice of the Great and Wise,
Who scorn the Conduct of their Lives to draw
From that which keeps the vulgar Herd in
Awe.

How far this vile Impiety has spread,
May now in glaring Characters be read,
Each little Wretch his Maker now defies,
And breaks those sacred and engaging Ties
Which kindly were by gracious Heav'n
design'd,
As just Restraints to the licentious Mind

Time and Oblivion

There is an odd tendency in churchgoers to omit the 5th stanza from "O God, our help in ages past." The lines are —

"Time, like an ever rolling stream,
Bears all its sons away,

Life Law and Letters

They fly forgotten as a dream
Dies at the opening day."

This is a noble stanza and sublimely sensible like most Hebrew conceptions of the universe. It is not perhaps soothing at a funeral when we are all pretending that the deceased will never be forgotten—and if a nice cosy hymn is required, then one should sing,

God who madest earth and heaven,
Darkness and light, &c

It has a charming tune and recalls memories of pious childhood. But one must take the rough with the smooth and if we want poetry, why should it be castrated? This Anglican imitation of the ostrich reminds me of the spouse who being divorced wishes to repeat all the vows of the first ceremony in church. Surely a divorce should sufficiently expose the futility of such vows.

The Permanence of Bach

When I listen to one of the fugues that I heard

Life Law and Letters

Sir Walter Parratt play in St George's Chapel more than forty years ago I am more than ever impressed by the permanence of music and musical beauty. All my beliefs, religious, political, economic, have vanished in the earthquakes through which my generation has lived, but I can still respond as freshly and spontaneously to a Bach fugue as I did at the age of fifteen.

Moreover outside the little circle of musical snobs who dominate the musical world at many points, there seem to be a constant number of men and women who feel as I do, if one may rely on the popularity of the Promenade Concerts in London.

It may of course be argued that the same may be said of all the arts—but I must confess that I have reached an age when music affects me more than painting or poetry.

Scandinavia

Progressive Ibsenites coming out of a theatre in the nineties were suddenly shocked to hear a

decisive announcement to all and sundry from the late Mrs Warre Cornish:—"I do not like Scandinavian adultery." What she probably disliked was the progressive suburbanity of Ibsen—almost reeking of Golders Green!

Far be it from me to disparage suburbs (for I have deep roots in Wimbledon and St Johns Wood) or perhaps progress, much as I dislike rapid progress. I must say that Scandinavian progress is rather rapid and produces a rather too violent impression of incessantly rational prosperity. One is, however, bound to admit that the modern public buildings are finer than what we get in England e.g. The Town Hall of Stockholm (1911) and the Parliament House of Helsingfors and the little artisan cottages of Oslo and Stockholm are admirable. Moreover the Scandinavians believe in and successfully practise divorce by consent.

One curious instance of the progressive spirit occurs to me. A modern young lady suggested that I should have a Finnish Bath, which consists of being steamed on a wooden platform near the ceiling while removing sweat by applying birch blossom. A genial and buxom young

Life Law and Letters

woman who talked no language but Finnish saw me through this ceremony and subsequently washed me in stark nudity without the least embarrassment. The situation was perhaps easier because as I cannot talk a word of Finnish all communication was by gesture and dumb crambo. It almost recalled the atmosphere of Nausicaa and her friends in the *Odyssey*, and there is no doubt that much of what is called progress is no more than a return to pre-Christian civilization.

Rockets

How typical of human life is a rocket! Yet it is better to rise and fall than to fizzle out on the ground.

Mr Arthur Waugh

While on a cruise to the Northern Capitals I received this delightful poem from Mr Arthur Waugh, with whom I am accustomed to drink port on many happy Sunday mornings before walking through Ken Wood —

Life Law and Letters

INVENI PORTUM

a.d. II Id. Sext. MCMXXXV

Once more unto the bin, dear friends, once
more,

And fill The Waughs up with the port of
Haynes,

The port of Heaven, The port of Paradise,
The tawny tiger, The Oporto port
That makes the portly portlier to disport
The unyoked humour of their idleness.

O golden guest, that art thyself the host,
Onlie begetter of intoxication,
Chief nourisher in life's feast: no law's delay
Shall ever greet thee but in holiday.
Praised be Thy name, and deeply drunk Thy
wine

Reset Thy sails across The Northern brine,
Return, and bless This benison of Thine!

Politicians and the Classics

The study of the classics at Eton and West-

Life Law and Letters

minster (which Dr Johnson said were the only schools for gentlemen) had no doubt the effect of turning out Christian gentlemen as opposed to logical Christians. It was obviously desirable for (say) Chatham and William Pitt to be more deeply imbued with Virgil and Horace than with the New Testament. A politician of the Lansbury type was not very desirable in the 18th century and Palmerston's style in 1864 was rather cramped by Queen Victoria's memory of Albert the Good. Even Gladstone might have done better if he had been more familiar with Homer than with "*Pearson on the Creed*"

Gladstone, however, illustrates the principal disadvantage of the system, namely, the odd habit of dealing with modern Greeks as though they were ancient Greeks and Italians as though they were ancient Romans. To see modern Athens and Rome through a mist of roseate sentiment has not conduced to clear political thinking.

Benjamin Jowett carefully infused an almost Benthamite atmosphere into Plato and was alarmed by the Platonism of Walter Pater. He once vainly remonstrated with an under-

graduate earl who had given a too romantic discourse to a literary society on Plato's Symposium, and summoned his guardian to bring about a recantation. The guardian after listening to a harangue about the ancient Greeks petulantly remarked, "Dont think about ancient Greeks, think about modern sailors," and there are times when modern statesmen might be advised not to confuse Mussolini with Julius Caesar!

The Scandal of Imprisonment for Debt

In Naples up to the year 1858 an insolvent person was tied to a stake and any aggrieved creditor was permitted to throw rotten eggs and dead cats at him. This certainly acted as a deterrent to insolvency, but what is generally called imprisonment for debt has no deterrent effect whatsoever owing to the stupidity of the law and the indolence of its administrators. Most people confuse imprisonment for debt with the working of the Act of 1869 under which a man is imprisoned not for not paying any debt but for wilfully refusing to pay what the judge

Life Law and Letters

considers should be paid.

The real scandal recently exposed by Mr J D Unwin is the system under which men are imprisoned for non-payment of rates and for being in arrear with money payable under wives' maintenance orders and affiliation orders. There are a number of things that magistrates and their clerks may do but do *not* do because it takes too much trouble. Some magistrates are slack about getting any real evidence of what a man can pay, and the clerks, who are distracted by private practice, do not even take the trouble to accept payment by instalments.

It appears that in England today about 50,000 men are sent to prison each year and that this number is on the increase, whereas in Scotland the numbers are a tiny fraction of this. Scotch magistrates seem to take more trouble about finding out what a man can in fact pay, and in the last resort they have the power of attaching wages, which brings the real rogue to book. It also appears that the number of prisoners is much increased because except under the Act of 1869 a man makes money by going to prison. A man may well prefer to go to prison instead of

paying his rates so as to keep the money to pay his building society. This apparently often happens.

There are many absurdities about imprisonment for not paying rates, but it is extraordinary that no sort of trial is necessary: "The law does not require the man's attendance at the proceedings that result in his committal, he need not even know that his case is being heard. What happens is that the Court assembles; the rating authority gives evidence of default; a commitment warrant is issued as a means of enforcing payment. That is all "

The system of imprisonment for arrears under a wife's maintenance order is monstrous. A wife can apply anywhere she likes and the husband is supposed to appear personally at the Court. Again she may let the order run for more than six years as in a case here cited in which the husband was suddenly faced with a debt of £303 and was immediately sent to prison for three months.

There are also many other defects in the system of imprisonment under Bastardy Orders. Mr Unwin has exposed a tangle of scandalous

Life Law and Letters

anomalies which are a disgrace to the country. At the end of the book he makes some very good suggestions. He suggests that we must retain imprisonment as a punishment for *intentional default* but he argues that if the evidence were properly examined in each case, the amount of imprisonment would be largely reduced. "The first task is to ordain that imprisonment shall not cancel the debt and that a part-payment shall not secure a remission of sentence. The length of a man's sentence should not depend on the amount of his debt but on the extent of his guilt as judged by the Court. It must also be enacted that no man shall be committed to prison for non-payment if he proves to the satisfaction of the Court that his default is due to circumstances beyond his control."

Largely in consequence of indignant agitation on this subject Parliament has passed an Act called Money Payments (Justices Procedure) Act 1935. As might be expected, this Statute does not properly tackle the subject at all, though it does insist on a man not being sent to prison until the evidence is properly sifted and unless the husband appears in Court.

Ici dort de Lara

In the days of my youth it was always said that the above inscription was to be found inscribed in large letters on the cliff immediately below the Palace of a certain Monarch whose wife encouraged the musical, and possibly other, activities of Isidore de Lara, who (I am sorry to say) died on the 2nd September 1935.

Mount Blair

Here is a purple patch from my diary for 27th August 1895 —

“A most lovely view The Sun lit up the delicate pastures of the green valleys and the clouds cast lovely shadows as they whirled over the heather-covered hills I could see the Blackwater streak in the valley and small patches of water glistening in the hollows, as though they were the last drops that the earth had failed to shake off after emerging from the great waters. Vast masses of cloud and mist as they dashed past gave ever-varying aspects to the clear-cut out-

Life Law and Letters

lines far and near, while to the west side I once caught sight of a peak sprinkled with snow, which just gleamed in the sunlight for a moment and then hid itself again. The Lomonds might have been curiously shaped clouds.

If only everybody had a chance of spending an hour or two of his life at the top of Mount Blair, the world would be a very different place. The grand elemental forces of the earth and air can never be so well impressed on the mind as when one is torn to pieces by the wind and feels the sharp prickling of the hail when it sweeps up the slope as if it came from an attacking handful of skirmishers.

If there is one kind of beauty that is more recognizable in this world than another, it is that of austerity. There are infinite possibilities of beauty in contour, but the delicate curves of the hills chastened by the fierce and biting wind and rain for more thousands of years than we can tell show one of its finest types. The grossness of material substance ever rising from the earth becomes wonderfully refined. It gives out almost what Pater in writing of Plato's dialogues and Pindar's odes calls 'dry' beauty—the beauty

of the cut diamond, the well-worn gold, the thinned branches of trees in Autumn, the chaste foam of waterfalls and breakers, the gleaming crystal or pure snowflake, the glowing and blanching ripples of molten iron, the splendid knots in the frame of the athlete and the deep carven lines in the face of the saint, that give a glory more lasting than that of Moses after his vision on Mount Sinai—all so far glorious as they tell of a conflict behind this moulded refinement either passing or past, of a strenuous energy either working there or having already wrought out most of its force. Such a force is the North wind—the austere man who reapeth what he did not sow, nipping off exuberances of vegetation, scourging the water into clear-cut ridges of blackness, all-cleansing in his bitter strength!”

I should perhaps add in mitigation of the above that I was at the time (*aet.* 17) saturated with Ruskin's *Modern Painters*!

Letitia

Forty years ago I remember being taken to

Life Law and Letters

see an interesting relation who was always known as "Tishy" She was then a centenarian—and sat quite happily among her bullfinches, which somewhat resembled her in their ruddy and genial appearance. The talk was sufficiently tranquil until I asked her whether she had ever met Beckford in the course of the hundred years which she had spent at Bath. This annoyed her very much and she asked me how I thought she could ever have "met an atheist like that." I record this little incident because any aspersions against Beckford in these days would not be religious

Pure Water

For years I have always wanted to know who was the author of the following verses but all enquiries through *Notes and Queries* and other channels were fruitless. Shortly before his death the late Lord Bridgeman announced that he was the author. As they are not likely to appear anywhere else I think that they deserve a place here. They run as follows —

Life Law and Letters

Pure water is the best of drinks
As all the poets sing
But who am I that I should have
The best of anything?

Let princes gather at the pump,
Peers with the pond make free,
But whisky, beer, or even wine,
Are good enough for me!

Mr Justice Avory as seen by Stanley Jackson

The author's reference to the judge's "bob-wig" on page 91 seems rather mysterious—but even more so is his statement that Mr Justice Avory had a "vein of sardonic humour," as when on hearing a quotation from the book of Job he remarked that "Job could not be put in the box." To certain minds any strict relevance means humour and Avory certainly would not tolerate irrelevance or waste of time. But it is unnecessary in a biography to indulge in the eulogy of an obituary notice. Not a single utterance recorded here can be called a "side-splitter."

Among the lower orders the judge was known

Life Law and Letters

as "The Acid Drop " Outside the law courts he looked like a clergyman returning from the hunting field and in the judgement seat like an unusually intelligent schoolmaster His business as Treasury Counsel in criminal causes was punishment and he did not seem to dislike it so very much He was scrupulously fair, but so is any schoolmaster who enjoys flogging boys The fairness gives a welcome spice of restraint to the pleasure of inflicting well-deserved chastisement.

Mr Jackson states that juries invariably obeyed the judge, but there was at least one case known to the writer where the summing-up drove the jury to revolt. Ivory's last big prosecution exposed him to a very bad baiting from Horatio Bottomley, but Bottomley was an invincible antagonist for any counsel but Sir John Simon.

It is obvious that a lawyer who from his early youth apparently accepted the criminal law of England as the last word in humane wisdom instead of a very clumsy machine, must have his limitations and that his legal industry and dexterity can be properly commended without

any suggestion that he was a superman. Avory had many colleagues on the Bench who took a more humane view of the criminal and who could sentence a prisoner without scolding invective. Mr Jackson's reverence for the English criminal law in general and this judge in particular might be more impressive if it did not exaggerate Avory's importance as an administrator of criminal law. Mr Jackson calls him a "sombre idealist" and tells us that at the Bar he was known as the "Silent Knight" He does *not* mention "The Acid Drop."

Oggi cattivo

Some years ago I was trying to get a ticket at a remote railway station in Sicily. I tendered some money which was little more than the amount of the fare, and waited for the change Suddenly the ticket collector, who was apparently irritated by sealing up a refractory parcel in his office, protruded his head through the window and with apoplectic indignation said that he declined to give any change and must

Life Law and Letters

have the exact fare. I spent five minutes in collecting the necessary change and again tendered the money, whereupon he appeared even more apoplectic than before and said that he was not going to give me a ticket at all. As I had dismissed the car which had brought me to the station, I did not know what to do, but my porter consoled me with the words "*Oggi cattivo*" and disappeared into the recesses of the booking office. After waiting five minutes the ticket collector appeared wreathed in smiles and said that he was quite willing to give me whatever change I required. I never knew what happened, but as there are days when I feel myself very like the ticket collector I did not make any comment.

This reminds me of another rather difficult scene at an Italian railway station. When Sir Edward Boyle and I visited Paestum more than thirty years ago, I was travelling with a free pass to museums and a *tessera* which entitled me to a reduction of sixty per cent on all my railway fares.* The clerical custodians of the Neapolitan museums gave black looks at the free pass, but

* I was a British delegate to the Free Thought Congress at Rome in 1904.

when I showed the *tessera* to the station-master at Paestum, he assembled four porters who danced round my friend and myself and sang the Italian National Anthem by way of expressing their enthusiasm for free thought. I have vivid memories of Boyle's embarrassment as he stood gazing at these corybantics through his majestic monocle.

Divorce Law Reform

The ignorance of some modern reviewers is remarkable. Quite recently I collaborated with Mr Walker-Smith in writing a book entitled *Divorce and Its Problems*. More than one reviewer suggested that I had recently been converted to divorce law reform. For this reason I should like to record that I started working for divorce law reform in 1904 and that the proposals I set out in the *Fortnightly Review* of December 1906 were in fact adopted by the Royal Commission of 1909-1912. They added life sentence (which I never proposed) and also a long programme of nullity facilities because

Life Law and Letters

(as the first Lord Gorell told me) the present Archbishop of Canterbury was impressed by the evidence I gave as to what happened in countries e.g. Italy and South American Republics where there was no divorce. Since that date the English law has not been reformed, although I fancy that today Italy is the only country in Europe where there is no divorce at all.

I was once amused by an enterprising Manchester editor who printed an article by Mussolini against divorce on one evening and printed a reply from me on the next. My photograph was published side by side with his which made me nervous about my next journey to Italy!

I have been consulted from time to time by lawyers from South American Republics and other countries. On one occasion I was consulted by a German lawyer who wanted me to assist him in drawing up a scheme of divorce for the German Republic. He agreed with me that the element of delinquency should be excluded as much as possible and that subject to certain safeguards divorce by consent should be made legal wherever possible.

When we had settled the whole matter I asked

him if he had the slightest expectation of this measure being made law. He said that he had no doubt about it because German lawyers were allowed to legislate and were regarded as experts. I replied that if any measure of the kind were introduced even into the German Legislature, it would wreck the government of the day. Much to his surprise my prophecy was correct and the Government was nearly driven out by the combined activity of German Catholics, especially in the Rhineland and Bavaria.

Baedeker and the next World

Not long ago I set a competition in the *New Statesman* as to the best parody of Baedeker describing the different sights and departments of the next world. The competitors were confined to four hundred words. The first and second prizes are perhaps worth reprinting.

FIRST PRIZE

A very varied region, full of interest; the tours may conveniently be divided into two parts—

Life Law and Letters

HEAVEN, comprising the highlands (see Baedeker's Scotland), and HELL, being all the low, lying, regions

(a) From Earth to HEAVEN

Guides (known locally as sky-pilots) advisable, but not essential.

Leaving the *Earth* and keeping sharp *right* we come (8 hrs) (ascent difficult and narrow, path often destroyed by landslips, no horses) to HEAVEN* (alt. very high) atmosphere rare, light dazzling (sun-spectacles advised) Pop decreasing Often crowded on Sunday Admission free on presentation of visa to St. Peter (good)

HEAVEN—City guides Matthew, Mark, Luke, and John (the brother of James) (all plain but good)

Of early Jewish foundation, architecture in immortal style with noteworthy additions in early Christian period Some of earlier portions destroyed and rebuilt during Reformation Modern work has consisted chiefly in demolition to provide more *Space* Tourists are advised not to refer to Hell.

Walls—Fine views down to Hell, note distant

Life Law and Letters

view of pit (reputed to be bottomless).

Observatory.—On E wall, interesting prospect of Earth, returning to Entrance note *Golden Gates* in Early Baroque (repaying) style, but over-ornamented

Telegraph Office.—Inside Golden Gates, wireless, spirit messages only.

Theatres —Halls of Zion Music, singing and harping (continuous), admission free, collection Apt to be over-crowded

Hotels.—"Manymansions." Holyplatz —manna, good milk, honey (flowing), wine with meals only, many single mattresses—all free. Occupation of inhabitants singing and flying Visit Holyplatz. Note all buildings gold or gilded, imposing but over-ornate. On right, see house of H Ghost (no adm), opp offices Christian World (good).

(b) From Earth to HELL

Leaving after lunch we proceed (path shady, easy and delightful), primrose way-marked (alt. route broad str road, diligences) to (2½ hrs.) HELL ***** (repaying). 0 ft. Pop. increasing Built-up area.

Life Law and Letters

We first reach Cerberus * * (wire rope, but a supply of sops advisable) Proceeding (splendid views to right and left) We reach the picturesque R. Styx (coarse fishing, boating dangerous)

Crossing by historic wooden craft (early Greek style), boatman Charon, we reach ($\frac{1}{2}$ hr) the Infernal regions (hot but repaying) and proceed straight to Satan * * * (bad) Note collection of eminent souls Visit the sulphur mines and Zoo (note undying worm and original serpent) Pitchforks may be hired, but generally only used by older inhabitants

Museums—Infernal War Museum (curators, B Zaharoff, Al Capone)

Hotels—"Beelzebubhof," opp fire-station, excellent grill, oven-heating, numerous double beds

"Luciferhaus," good wine, central heating Visit Hydropathic Institute (Dir, Gungha Din), and Convent of the Fallen Angels (attractive views)

In centre of Plutoplatz note statue of Jezebel (now in pieces), opp Central Press Offices (very modern bldg)

Life Law and Letters

SECOND PRIZE

Arrival.—By ferry boat (no baggage permitted) Travellers from Latin countries and U S A. are advised not to travel in full evening dress.

Long Excursion.—To HELL Guide necessary (P. Vergilius Maro): local guide book by A. Dante Approach by broad pleasant road, gradually descending Visitors unaccompanied by guide may be detained by the authorities.

ROUTE TO HEAVEN.—Follow upper road, ascending steeply at first; surface rough and stony, but conditions become easier until (7,000 cubits) road reaches *St. Peter's Gate* (passports required) Historic Keys shown on application.

THE HOLY CITY

Pop 144,000 Hotels: all *; local ambrosial dishes recommended Wine restaurants and beer gardens, home-brewed nectar. Concerts. Organ music: recitals by St. Cecilia.

Heavenly orchestra: massed harps, accompanied by sackbut, psaltery and dulcimer.

Life Law and Letters

Community singing angel choir

All the above are continuous performances

The City is laid out in broad streets with gold paving it is enclosed within a rectangular wall, pierced by twelve gates

Excursion (44,000 furlongs) —The City Wall (breadth 144 cubits) The foundations show interesting geological formations of precious stones

Places of Interest —The Zoological Gardens The collection includes four species of winged beasts

Environs —Elysian Meadows Feeding of the wild birds daily by St. Francis

Music and Performance

Sir Walter Parratt once told me that I probably enjoyed most music more than he did because he was necessarily critical, as indeed a supreme artist like himself was bound to be. But I must say that I sometimes weary of comments on performance—especially while it is going on.

Life Law and Letters

I feel like a Catholic who can make allowance for the holy office of an uncongenial priest. So long as the performer does his best and does not try to play a Mozart piece as if it were Beethoven or Beethoven as if it were Wagner, I prefer to be silent and charitable.

A Quick Remarriage

An East African Catholic told his master that he was going to marry another wife as his wife had gone off with another man. It was explained that this could not be done so long as the first wife was alive. He was very sad about it, but after a while went off for his holiday. He came back smiling with a new wife and explained that he had killed the first wife all right. Probably the tribal law justified killing the first wife by reason of her adultery—but he need not have exercised the right but for his religious obligations!

Magic and the Gallows

A friend of mine once heard in detail the

Life Law and Letters

remarkable story of a butler who was sentenced to death about 1890 and was never hanged. About a day or two before the date of execution he said to his warders, "They will never hang me." When the day came, he stepped calmly on to the scaffold and after the usual preliminaries the executioner drew the bolt when nothing happened, because the trap-door never fell. The butler was then taken away and the executioner again drew the bolt, which fell with its customary precision. The butler was then brought back and the executioner again pulled the bolt with no result. The warders stamped on the trap-door but nothing would make it budge. Everyone was in a state of acute horror except the butler, who remained unruffled. The Under Sheriff then ordered the butler to be taken away and he was condemned to a life sentence.*

It is an odd story because it inevitably suggests the sort of miracle of which we constantly read in the Bible and in medieval accounts of saints and wizards but which we are always told to disbelieve.

* Sir Chartres Blon mentions his subsequent career in *Without Prejudice* (London, 1936).

Cardinal Piff

Some years ago I was visiting Salzburg (which I consider almost the most beautiful city in the world) and found the inhabitants celebrating the tercentenary of St Rupert. I was interested by the array of Cardinals, for about a quarter of a century ago I had been in correspondence with various Austrian lawyers in regard to divorce in Vienna. On this occasion at Salzburg I was told to look out for my most redoubtable opponent. He was a beefy bull-necked Cardinal and to my delight I found that he was called Cardinal Piff.

The Manor of Old Paris Garden

The property comprised in this Manor was in the region of Southwark and was the subject of a most antiquated legal tangle. The Manor had been in the hands of the Crown on four different occasions before 1578, when Queen Elizabeth granted the Manor to Lord Hunsden, Robert Newdigate, and Arthur Fountayne.

Life Law and Letters

From that time onwards all sorts of leases and other documents were executed, some of which were lost, and finally proceedings were taken for partition and the Manor was wound up. For quite a long time no one dared to spend any of the money except that male copyholders who attended a meeting obtained £1 and the female copyholders 10/-, though there was no particular reason why this distinction of sex should have been made. It was, I believe, unique in this respect, namely, that the Lords of the Manor were the copyholders acting in a collective capacity and that the tenants were the copyholders regarded as individuals. I always regretted that Dickens did not hear of this curious old property, the history of which has some affinity with the Chancery proceedings described in *Bleak House* and other works of his.

Pedestrian Handel

This phrase was used by a singularly imbecile contributor to *The Times* about a Handel concert. Pedestrian activity is often and usually

Life Law and Letters

less anti-social and more creditable than modern speed achievements. But who can give us better wings from a world of imbecile penny-a-liners than Handel and who can interpret Handel's most exacting arias for the voice better than Isobel Baillie—a soprano who sings like a boy?

All Saints' Day

I was baptized on this day, which my mother *at the time* was kind enough to think appropriate I wonder what Benvenuto Cellini's friends and relations thought about his being born on All Saints' Day 1500, as he was¹

Home Life in A D 2000

Viscount Criccieth smiled wearily from his sick-bed on his son George, who was sitting beside him. "It really seems a pity that the Medical Control Board won't let me live a little longer Of course there is a good deal of pain for one hour out of the twenty-four, which requires a certain amount of medical attention, but I

Life Law and Letters

should not mind paying a little extra for that if the State allowed any doctor or nurse to have a private practice. (However, I daresay I should never have been born under the *New Inspection of Parents Act*.) The point is that I am quite interested in the morning paper and talking to all of you and seeing a friend sometimes and in old days I could have gone on indefinitely ”

“Yes, father,” cried George, “one does sometimes regret the anarchy of one hundred years ago, but in those days you would never have reached the age of ninety-eight, and you might have died of a painful and incurable disease without a chance of escape instead of this arteriosclerosis. You yourself have often told me how wildly enthusiastic people were over the *Voluntary Euthanasia Act of 1940* ” “They were indeed,” replied the old man, “but of course it had to become compulsory soon. The principles of my great ancestor had sunk deeply into the more thinking minds of the community, and everything did become compulsory. Besides that they began killing criminals by anæsthetics in 1950 instead of by hanging, and a great many

crimes were committed by persons who were unlawfully eager to get their revenge and an easy death at the same time. Moreover the expenses of the State medical service have been considerably reduced by the power of the Local Board to decide when a patient is not worth further attention. No doubt, even when I was a young man, many humane doctors accelerated the end of the patient when it could be easily done—and then of course there were the surgical operations, which were fairly well bound to kill many people who preferred to avoid a long period of suffering. However we are far in advance of all the Christianity and Individualism of those days. . . . By the way, did you see the official form? Did it give me a week or a fortnight?"

George picked up some papers from the table. "Oh, here it is," he said, and read the form.—

"My Lord, I regret to inform you that my Board have decided to allow you no further medical service after a week from this date, and they are of opinion that you would save yourself and your relations much inconvenience and pain

Life Law and Letters

by availing yourself of Section 3 subsection (1) of the *Compulsory Euthanasia Act* 1950 Everything can be done at your house, if suitable preparations are made, as our Travelling Euthanasia expert will be in London at that time You are probably aware that in cases like yours the Board will allow a grant of five pounds towards the cremation expenses, and will accept a preliminary Probate Affidavit from yourself for the purpose of assessing death duties For your guidance I enclose a special form which you must forward within three days to the Inland Revenue Department. I am, Sir, your obedient servant,

“Chas Brown,
“Asst. Secy”

“How very odd my father would have thought that letter,” the old man remarked “I think it would have made him very angry When I was quite young there were few wild writers—one of them was called Belloc or some such name—who had no respect for the collective wisdom of the community They thought that individuals should own land and ought not to be compulsorily insured However, they were all ultimately

secluded under the third Mental Deficiency Act, which substituted some more scientific tests for the cruder tests of the first Acts. Well! I suppose I must make my arrangements. The injection is painless, I believe. Don't they give me an appointment? No; I see not. How very careless! I think I should like it about seven in the evening if they can manage it. Perhaps you will arrange it by telephone? And, after all, I would rather not know the exact time. . . How curious to remember the crude lack of precision with which people used to die in my young days—days when apparently commonplace men sometimes committed physical assaults, swore, drank alcoholic preparations at meals, married without medical permission, and even then couldn't get divorced without some legal fiction of adultery. Why, they actually owned houses and land in perpetuity, and read books which were excluded from the British Museum Catalogue, and wrote quite scurrilously about the Government. Those were indeed turbulent times. Everything was so casual and unforeseen. . . However I must make a new will and get the Law Registrar to send someone to

Life Law and Letters

help me with that and the Probate Affidavit. A week isn't long, perhaps, but still I doubt if anything will ever be very different now, and of course life nowadays is not so exciting as it was. By the way, you can put my ashes in the safe downstairs, and I should like a few ethical words at the Crematorium. There is an ethical lecturer called Jones in the next street who only charges two guineas. He might just make a passing reference to my work in connexion with the 'Better Regulation of Female Underclothing Act.' What a splendid achievement that was. We never thought it would pass the House of Female Representatives. Well, well "

(Left dozing)

A Letter from a Well-wisher

The *Spectator* published on the 7th October 1935 the following letter from me —

"I do not understand why week-end arrangements progressively increase public inconvenience. Recently the London Passenger Transport Board announced that no lost property can be recovered *at any time on Saturday* although one

can well imagine the most urgent need for retrieving it. Many people must experience extreme inconvenience by being held up for two days in this unnecessary manner. I once lost some luggage in Paris on a Sunday and was told that I could not recover it until Monday afternoon, but the system was working on Monday afternoon, which is preferred as a half-holiday to Saturday. At any rate the office was not closed for two whole days together.

“Again, the result of the Post Office week-end is that a vast quantity of letters arrive on Saturday morning and very few on Monday morning; yet in spite of this a large number of offices close on Saturday morning.

“Moreover I may mention that public convenience is so far disregarded by the Society of Lincoln’s Inn that on Saturday last the Clock was an hour late on Saturday morning because the man who attends to it apparently considers it beneath his dignity to work on Saturday. I have complained about this before; but apparently complaints have no effect. Why should the Jewish Sabbath prevail over Gentile customs?”

Life Law and Letters

On the 7th November 1935 a gentleman calling himself a *Well-wisher* wrote to me from New York City as follows —

“A friend of mine is a subscriber of the London *Spectator* and often he passes on his copy to me I saw your letter in it and sent you a paper Yes, Mr Haynes you are right. That was how our city degenerated These ‘pushing barbarians’ always work secretly in the beginning and when they have a foothold, they show their hand. We have three Jewish women Judges in our City and all of these women have husbands who have lucrative practices in the professional world Any Professor will tell you about ‘the aggressiveness of the Russian student.’ Our schools are ruined with their tactics They fought for high pay for the teaching fraternity and now they don’t want to teach Americanism Any ‘Ism’ but straight honest Christian morality When they are brought up on charges, they lament loudly, ‘We are being persecuted on account of our religion’ The truth of the matter is that they have no religion They are despised for their ‘characteristics’ I

suppose you have the same type there. They must come to you from Russia, via the United States. They bribe our policemen and clerks of the court sometimes with a mangy fur coat 'for the wife' or 'a few hundred for the next baby', etc. and often the poor devil is harassed for want of ready cash and that is the beginning of so much corruption and sharp practice

"Our streets are lined with those hideous Red, Green, and Blue Neon lights. It looks more like an Oriental city than a city where Christians reside. With them, it is signs everywhere,—above, beneath, outside and inside the store windows. We have one Avenue in the city and that is Fifth Avenue and that is one place where they cannot hang out a sign. It takes unlimited surveillance to keep them from breaking this rule. The other Avenues and streets are ruined with their display signs. As though a sign made anyone buy! Their sign must be bigger and brighter than their neighbour's so that they can get the business. It must 'hit you in the eye' and then it is a success. I have never visited London but I hope that their highways are not desecrated with the huge billboards and un-

Life Law and Letters

sightly advertising that we have. The garish Neon lights are added to these and the whole is a riot of colour and action. As though they served any good purpose. These people have ruined America for the genteel Christian, the descendants of those Christians who pioneered and made this land what it was before these hordes from the steppes of Russia came here. They control our press through the advertising and through the money they always seem to have ready when anyone is in any difficulty and they stand ready to buy them out. I seem to have heard that you people are acquiring those 'screaming headlines' and it can never be called journalism. I know many of your reporters are Russian and that accounts for the scandal sheets you are beginning to turn out. You can wage war there because it is a *one race country*. But here, it is often said, 'It is everyone's country and no one's country'. The Christian cannot do business as successfully as they because he has a conscience. We all used to like to buy Crosse & Blackwell's products until they must have changed hands and the label read 'printed in England'. We wanted preserves that were *made*

in England because we knew that the English would not adulterate to make 'quick profits' That is a Jewish trick, and often blamed on the Yankee. That is all propaganda. The real Yankee is a good sort of man. We would willingly buy your products if these people were honest and were *real* Englishmen

"We have a firm in Chicago which packs six different brands of cocoa and they are the same cocoa. They are a distributing company and one of the products is the Rockwood cocoa But all have different labels. We buy Van Houten's Cocoa because it is imported from Holland These people control our stage, our banks,—because they have the cash, and the Secretary of the Treasury is Mr Morgenthau, our Governor is Herbert Lehman, a Jew, our Mayor is Mr La Guardia, whose mother was a Jew This is in New York alone We all remember when La Guardia was running for office. You heard so much about 'the fiery little Italian' None suspected he had any Jewish blood in him and the kept press (Jewish-controlled) made sure no one knew anything about it and it was only after a good many months that one Judge spoke

Life Law and Letters

out in a meeting that a man's religion is most generally that of his mother and that La Guardia's sympathies were with the Jews. We call this the 'Rayon Age' as everything is a substitute. In a cotton country such as ours it is to our discredit that there are substitutes for cotton. The flimsiest of materials, both cotton, wool and rayons, are palmed off as the real thing. Our shoddy is called 'real wool'. You would be surprised to know what prices are charged for 'Harris Tweeds' in this country. I do not know what the English and Scotch people get for their products, but prices are all out of proportion for the garments. There is one way we can overcome their sharp practice and that is to make last year's suit do another year. Make it a patriotic duty to wear old clothes. You know that most all of us have enough clothes to last us, for protection from the elements, for about four years at least. We just buy new ones for Appearance. Oh! The Great God Appearance! What crimes are committed in thy name! Oh! Shades of Samuel Smiles! One must Buy, Spend, and as Chesterton once remarked, 'They try to make everyone spend so

that they will not have a dollar left from the last payday'. How I wish old Smiles would read his book on 'Thrift' and read it aloud in the home of an evening. How Christian-like it is to be a prudent man and woman instead of getting your morals from the daily paper and the advertising all around us. If we lived thriftily our women could return to the home and the men would rightfully be the breadwinners. It is women working that creates this false prosperity, and they know it. Christian morality goes by the board because Christian men do not stand up and 'be counted'. I guess they are the large real estate developers over there as they are here. They get the first money from the prospective owners and they let someone else worry about the carrying charges. Theirs is the first large sum, generally in the thousands. With us they sink huge profits in Single Premium insurance and as they are firm believers in Insurance they are the heaviest insured. The average retail store-keeper whom you would think was hardly making a living (to listen to him say it) probably has \$50,000 of life insurance and when he passes on his Bobbie and his Mollie do not have

Life Law and Letters

to go out to work. Would that the Christian thought the same of his own I have often thought that a slogan like this would serve some men 'If you have not at least 10,000 dollars of life insurance for your family, you have no business standing at any bar' The moral is, of course, any man with that much sense would not stand at a bar and waste his savings or earnings There is an old saying and a very true one and it runs like this, 'The Jew will not eat with you, he will not drink with you and he will not play with you,' and it is noted that when he PRETENDS to do any of these things it is for an ulterior motive We have a *furor* going on about the Olympic Games and the participation of the Jews in them It is a known fact that the Jews are not athletes as they are too shrewd and poor sportsmen, and are too careful of their health. I could go on indefinitely but why? All that I ask, and I read the *Spectator* often, is that all of you Britons watch what the Russians in your midst do There is a positive craze for 'everything English' among them here and their eyes are on your fair land, so Watch and Pray

"A Well-wisher"

This effusion considerably astonished me, for I am a pro-Jew!

Solicitors and Bureaucrats

When I say that solicitors are underpaid I am only quoting the opinion of a judge and certain barristers who have discussed the subject with me. It is true that some solicitors can charge fancy fees for special work, either because they make their clients sign an agreement for the purpose or because the client is not at all inclined to contest the fee having regard to the nature of the business transacted; but the fact remains that it is very difficult for an ordinary solicitor to obtain remuneration except on the orthodox lines whereby a solicitor may charge a Jacobean fee of 6s 8d for an interview and 3s 6d for a letter, without being able to charge for a lot of other work which it is difficult to fit into the strait waistcoat of a bill.

A judge whose name I forget was accustomed to say that no solicitor could honestly make more than five hundred a year, and by that he meant that no solicitor should be able to do any work

Life Law and Letters

by deputy According to this system a solicitor would address and stamp every envelope, write everything in his own handwriting, and attend every appointment he might have at Somerset House or in the Law Courts or elsewhere, as well as draw all his own deeds and interview all his own clients The solicitor would in short do all his work personally, like a barrister who employs no "devil", and, taking together the limits of human capacity and the amount of a solicitor's item charges, the judge's estimate was probably not far out, making allowance for the fact that five hundred a year in 1850 was worth nearly fifteen hundred at the present day In any case it will, I hope, be clear to the reader that the ordinary solicitor must be in a position to do a considerable amount of work through clerks and that those clerks must be properly remunerated, to say nothing of rent, stationery, and other normal expenses of any business It may seem odd that the brokerage of a stockbroker is very rarely objected to, although that is arranged on a scale, and that the public at large seem content to pay their doctors without expecting items, and that there is very little criticism

of the huge fees charged by eminent counsel or by surgeons I suppose the reason is that the stockbroker makes his money by a number of small transactions, that if the doctor is trusted at all he is trusted to an unlimited extent, that eminent counsel are surrounded with a glamour of publicity, and that with the surgeon it is only too often a case of your money or your life

The tyranny of the solicitor as opposed to the bureaucrat is always tempered by the fact that the client can employ another solicitor or even have several. I have noticed that rich clients are often singularly polygamous, and I have heard that members of the Royal Family sometimes employ five or six solicitors for their business. The idea is that certain solicitors are specialists on different points, and that it is always well to subject the work of one solicitor to the criticism of another. The drawback is that most solicitors do not like criticizing the work of another solicitor behind his back; but sometimes the result is to make the client more tolerant. I am, however, more concerned with the tendency of politicians to substitute the bureaucrat for the solicitor, and I think that the public should be warned that no

Life Law and Letters

one can escape bureaucratic tyranny One may go from one bureaucrat to another, and it is in fact the most conspicuous feature of bureaucracy that the citizen is never allowed to know who is responsible in the matter on which he seeks assistance, but the tyranny is no better for being anonymous The citizen moves in a world where everybody's business is nobody's business This is the usual result of collective control and in the region of politics has given democracy a fine appetite for despots of the President Wilson type

An Englishman is naturally indolent, and never more so than when he is working at a fixed salary without reference to results Bureaucracy may succeed in Germany, because the German, however thick-headed or slow-witted, is—or used to be—morbidly industrious In a British Government Office most of the real work is done by about twenty per cent of the officials and the others do as little as they reasonably can Even the energetic official finds himself hopelessly baulked by his colleagues

Collectivism, which is nothing more than a philosophy of the State organized for war, is now out of date on the Continent, but for that very

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Life Law and Letters

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Collectivism, which is nothing more than a philosophy of the State organized for war, is now out of date on the Continent, but for that very

reason exerts considerable influence in this country, where for the last thirty years it has produced the most deplorable results. The essential notion of the Collectivist is that individuals should be at every point related to the State but not to each other. Thus the child is a citizen and its parents do not count except as citizens. Similarly such a body as the Ministry of Health wishes to destroy from the start the confidential relations between doctor and patient, and a considerable effort was made in the early stages of the Insurance Act to prevent the patient having any choice of a doctor. It is the object of modern Collectivism to transform all doctors into civil servants so as to destroy any individual responsibility to the patient, and this is precisely what they will want to do in regard to the solicitor and client.

It is true that the solicitor's remuneration is rigidly fixed by State control and that his responsibility to his client is to some extent limited by his being what is called an officer of the court. For instance the court does not allow him to enter into the same genial arrangements for collusive divorce that are permissible to men in

Life Law and Letters

wigs I remember a divorce case where the husband's first petition against the wife had been dismissed after a fierce contest before a jury. He then filed a second petition, but before serving it his solicitors wrote to the wife's solicitors pointing out the heavy expense which had been incurred by the failure of the first petition and that the expense of a second petition, for which he had better evidence, would clearly reduce the provision that he would be in a position to make for her in the future.* The wife's solicitors read this letter in court to Lord Gorell (the then President), who expressed great indignation and summoned the solicitor to explain this disgraceful attempt at collusion. The solicitor, however, merely replied that the letter had been drafted for him by Mr Justice Bargrave Deane just before he had been elevated to the Bench, on which the President serenely remarked that he was glad to have the letter so satisfactorily explained.

The solicitor has always given offence to the Collectivist mind because of his bent for individual enterprise. Solicitors have been known

* If it were contested.

to have a regrettable tendency to what is called speculative litigation on behalf of a poor client, and any activity with an element of enterprise in it is denounced as speculative by the Collectivist. Solicitors have also been known to encourage a petition of right to His Majesty the King, and this attempt to approach the King in regard to grievances created by bureaucracy is naturally a cause of grave offence to the Mandarin. The obvious retort of the bureaucrat is either to turn a solicitor into a civil servant or to deprive him of his costs and employ officials instead.

Democracy

"Government of the people by the people for the people" is a resounding catchword; but perhaps in present circumstances it means little more than "Government of the cad by the cad for the cad". Democracy all over the world has merged into dictatorship either Fascist or Communist. Nothing has saved England from this except the rump of an aristocratic tradition.

Life Law and Letters

Oxford and A P Herbert

These words are extracted from a letter of Mr Michael Sadleir which appeared in the *Spectator* of the 6th December 1935 I have seldom enjoyed any letter so much

"Distressing though it may be to the superior persons who interpret the duty of government in home affairs as a mixture of moral pomposity and conciliation of various vested interests, there are a large number of people who actually regard Mr Herbert as a 'man of intellectual eminence' and respect him the more for his courageous challenge to repressive puritanism and party-arrogance. These disreputable creatures, with a full sense of responsibility, voted for him Hence his victory "

Zeebrugge and the Modern Hero

Reading the Memoirs of Sir Roger Keyes makes one vividly realize the difficulties of the modern hero Nelson could turn his blind eye to the telescope without interference from an Admiralty Wireless He could also plan out his

operations without incessant disputation with brainless official critics. Old Sir George Pollock could do as he liked about the Khyber Pass subject to the academic risk of being tried by Court Martial.' The old type of diplomat like Stratford de Redcliffe exercised a beneficial autocracy without telephonic interference.

The modern hero, however, like Sir Roger Keyes has no chance of success merely as a strong, silent man. He must possess endless patience combined with a far from ordinary power of exposition and dialectic before being allowed anything like a free hand. One may even wonder whether Sir Roger would have got what he wanted from any less intelligent men than the Admirals who backed him.

The Limits of Humour

I have always attempted to preserve an attitude of Lucretian detachment in regard to my own death, but it was severely strained about ten years ago, when I was suffering from a mild

* He was made a Field-Marshal

Life Law and Letters

attack of diphtheria. On the second day of the illness my doctor brought me a printed notice to the effect that when I died my coffin was to be screwed down without fail in forty-eight hours. This new phase of bureaucratic interference caused me excessive annoyance. Needless to say, all the existing regulations were drawn up more than fifty years ago when in the absence of *serum* treatment and ordinary hygiene as now understood, diphtheria was as menacing as cholera.

Max Beerbohm on Modern London

Max's B.B.C. address on modern London can have found few more responsive listeners than myself. It reminded me of an awful moment when I first walked through Chicago in the Autumn of 1899 and for the first time grasped the horrors of the future which have surely but slowly materialized. The pace will probably now be quicker.

Where ignorance is bliss

I was once extremely pleased when on meet-

Life Law and Letters

ing an ancient relation he said that he had been reading my last Notebook and thought it quite admirable. I thought it a little unnecessary when a son of his remarked that the old gentleman had been reading the Notebook upside down for two hours!

Sage Homme

A friend of mine recently made the sagacious suggestion that these words should be inscribed underneath my name in Lincoln's Inn as indicating Socratic wisdom.

Doctors and Death

Doctors are no better informed than anyone else as to the time of a person's death; but unfortunately they are given power by insurance offices to anticipate death in a financial sense. I have known more than one unfortunate man who has been penalized in this way. There is some slight threat of tuberculosis at the age of

Life Law and Letters

thirty, but he often has to pay for this up to the age of eighty on a policy without profits

"Stern Daughter of the Voice of God"

The other day H B and I were discussing a very meritorious and eminent person H B said, "He is of course very gloomy, but then all dutiful people are" I suddenly thought of the most dutiful people I know and was much impressed by the accuracy of the observation

Noblesse oblige

It has always been recognized that a professional man has duties to the public for which he may not be adequately remunerated but that he must take the rough with the smooth. If he is a doctor, he does hospital work and even tempers the wind to the shorn lamb in poor cases, while on the other hand he may look for better remuneration from his richer patients The same considerations apply to both barristers and

solicitors as well as to the clergy—except that in these days some of the clergy are often near starvation

The same principle at one time held good with newspaper proprietors and publishers yet there are comparatively few newspaper editors today who are allowed to supply the public with news that interests an educated reader, presumably because advertisements are far more easily obtained by newspapers which cater for the cad and the hooligan and the mental defective.

I have recently noticed disquieting symptoms of decadence in the publishing world. A successful publisher has always owned that some of his best profits are to be obtained from publishing inferior and sometimes indecent books; but he has prided himself on having what is called a good list in the sense of encouraging intellectual writers. He has had to give up artists, who are now largely supported by a commercial poster business. I fear that the process is likely to continue until we adopt some sort of retrenchment in the lunatic system of confiscation which politicians are pleased to call taxation.

Life Law and Letters

Victorian Optimism

I cannot be certain when a dead person was first referred to as "poor so-and-so" The epithet seems singularly inappropriate and almost patronizing unless it is to be presumed that the deceased has gone to hell Otherwise it can only be interpreted as an expression of Victorian optimism as to this life, for I cannot remember finding the phrase in print earlier than 1840

Treating a House like a Hotel

This so-called Victorian phrase means to me that the guest treats the head of the house as a hotel-keeper and with no suggestion of any relation but a cash nexus—except that in such cases (as between relations or so-called friends) no cash passes Notice as to date of arrival or departure or attendance at meals may or may not be given at any old time

The Victorian parent thought this arrangement inconvenient and said so Such a protest is nowadays considered illbred.

Beethoven's Piano Concerto No. 3 in A Minor

I never hear this lovely piece without first deploring the mess that the ordinary person including myself makes of his own life, but before the end of it reflecting that Beethoven made an even worse mess of *his* life.

Corelli's Christmas Concerto

The *Largo* movement of this lovely concerto is to my mind the most divine expression (except two or three passages in Handel's Messiah) of what Christmas means (or rather meant) to Europe. The music of Corelli and Handel came to birth in a rustic population of eupeptic, sensible men who knew how to enjoy life and were content with politics on a small scale (such as minor principalities or duchies) and with a religion which sufficiently interpreted to them the mystery of the Universe.

Benighted as these poor simpletons may have been, lacking the homicidal Atheism of the modern totalitarian State and the maniac dis-

Life Law and Letters

cords of modern music, I venture to suggest that they were artists in life as well as in music and I have known their like among members of my own family and their friends who were born in the 4th and 5th decades of the 19th century

Mr A P Herbert's Divorce Bill

(Printed in Feby 1936)

This bill is now printed and deserves criticism on its own merits, for it does not (like most previous bills) slavishly follow the lines of the Royal Commission Majority Report. I have seen many different divorce law reform bills from 1904 onwards and can remember the late Earl Russell showing me a bill drafted by an earnest supporter of his league for enabling any man whose wife has attained the age of forty-five to dissolve the marriage on making proper provision for her and any children! I may here mention that I drafted one bill in 1908 before the Commission sat to enable a deserted spouse to obtain a divorce as in Scotland, and another bill in 1917 which would allow of a judicial

separation maturing into a divorce at the request of either party. The former bill was politely received in the House of Lords; but for some reason the latter excited much hostility, although it had already been sanctioned in principle by the Royal Commission Majority Report.

Mr Herbert's bill breaks fresh ground on the following points:—

- (1) The provision that no divorce can be valid until five years from the date of the marriage.
- (2) The abolition of the decree *nisi*.
- (3) The extension of matrimonial jurisdiction to selected Justices combined with machinery for conciliation.
- (4) The relief of the clergy from compulsion to lend Churches for the remarriage of divorced members of the Church of England.

- (1) Under this head an injured spouse can

obtain any relief short of divorce and, of course, any relief in the nature of nullity, but the principle of allowing no marriage to be dissolved for five years seems to me a sound brake on any unreasonable impatience of the marriage tie, and it partly meets the objection of critics like Mr Chesterton who urge that marriage ought to be made more difficult instead of divorce more easy

(2) The abolition of the decree *nisi* restores the law of England to where it stood before 1860. In 1860 a special machinery was devised in order to prevent collusion and to enforce the ecclesiastical doctrine of recrimination. This machinery is obviously unnecessary if we follow the Scotch example of not allowing mutual infidelity to stand in the way of divorce but to make it an important factor in deciding liability for alimony and maintenance. In Scotland there is an official entitled to intervene where the Court has been treated with contempt by some gross collusion or otherwise, but not for any other purpose.

Whether Mr Herbert in the course of any debate on the doctrine of recrimination will be attacked in either House of Parliament remains

uncertain; but there is no reason why if the King's Proctor continues to exist, he should not start his work when a petition is filed instead of waiting for a decree *nisi* and at present the law allows a spouse who has obtained a decree *nisi*, a latitude which gives rise to much abuse of the right to postpone asking for the decree to be made absolute. Scotland on Protestant principles does not admit recrimination as a matter which affects divorce, and on Catholic principles recrimination was never relevant except as a means of enforcing cohabitation on a petitioner who sought the relief of separation.

(3) Mr Claud Mullins has given Mr A. P. Herbert valuable assistance in regard to drawing up certain clauses which not only make divorce proceedings much easier for the poor but also give everybody (rich and poor) the same advantage in the way of possible reconciliation. Clause 10 and its Subsections might be most beneficial if properly worked and there is no doubt that both in the matter of divorce and reconciliation the poor are at a great disadvantage under the present Police Court system which allows of no divorce, and under the Poor

Man's Lawyer system, which gives no opportunity for reconciliation

(4) As regards remarriage in the Church of England a new Subsection has been introduced which runs as follows —“No clergyman of the Church of England shall be compelled to solemnize the marriage of any person whose former marriage has been dissolved on any ground and whose former husband or wife is still living or to permit any other minister of the Church of England to perform such a marriage service in his Church or Chapel ”

I have always maintained that no Bishop should have power to repel from Holy Communion an innocent spouse who has divorced a guilty husband or wife on remarriage under the English law and this opinion has at least the authority of the late Archbishop of Canterbury, but I have never quite understood the grievance of a spouse who, having publicly taken the Anglican vows of marriage with all the implication of a life long tie, wishes to repeat them on the occasion of a second marriage which is only possible by reason of these vows having been broken To that extent Mr Herbert's conces-

sion seems to me sensible. On the other hand it seems unjust that ecclesiastics should expect to be entirely free from State authority while enjoying the benefit of an establishment and at the same time claim for Bishops and other ecclesiastics power to legislate on or administer purely secular affairs as, for example, the formalities of marriage in a Registry Office.

There are words in the interpretation clause which may have unexpected results as, for instance, "Bigamy or any unnatural or grossly indecent offence shall be treated as equivalent to adultery." This clause was originally due to some feminist who wished to facilitate the divorce of a homosexual husband, but having regard to the modern interpretation of Statutes it seems to me rather double-edged in its effect and I can well imagine a husband filing a petition against a homosexual wife on the strength of these words. Indeed it looks as if a husband or wife could be divorced for walking naked in the street, for that would be a grossly indecent offence

One must bear in mind that a matrimonial offence (e.g. adultery, desertion or cruelty) is

not necessarily a criminal offence just as a criminal offence is not necessarily a matrimonial offence. I remember speaking to the late Lord Buckmaster about the possible effect of this clause, which he admitted, but he did not seem to think it undesirable.

In his bill Mr Herbert does not grasp the nettle of divorce by consent, but this point will naturally emerge in the course of any debate which takes place upon it. Therefore Mr Herbert and his supporters must be prepared to take some definite line on the subject instead of evading it as it was evaded by the Royal Commission Majority Report. Let us hope at any rate that the Church will not be ungrateful for the two solid concessions which have been made

I should perhaps mention that subject to the points above mentioned, Mr Herbert's bill does follow the Royal Commission Majority Report, which is now nearly twenty-five years old. If the issue of divorce by consent is to be buried, the Majority Report is perhaps the best guide to follow, especially as a bill embodying its recommendations has twice been passed by the House of Lords. In October last Lord Merrivale

pointed out in *The Times* that out of eight million families in England and Wales there were only four thousand divorces in a year, and I see no reason to assume why if the law were reformed on essential points, the proportion of divorces need be very much higher. There would, however, be a rational law to administer and much less perjury to contend with.

Folk Song

Twenty to thirty—when you will,
Thirty to forty—at it still;
Forty to fifty—now and then;
After fifty—God knows when!

Robert Bontine Cunninghame Graham

was known to his friends as the Uncrowned King of Scotland. I forget all the links of the pedigree, but whatever they were, no one who saw Cunninghame Graham would have challenged the suggestion that he was every inch a

King I first met him and his wife in the nineties when I was an undergraduate at Oxford, but I had previously been taken to hear him and John Burns speak in the Trafalgar Square riots of 1886. His wife, who died twenty years later, was amazingly beautiful and was said to have died young only because she could not stop smoking cigarettes. After my own marriage he often came to dine at my house and I also met him at delightful dinners given by Mr and Mrs Perez Triana. He was decisive in his opinions and not ashamed of disowning past opinions, as for instance, in the matter of Socialism.

His combination of Scotch and Spanish ancestry and connexions made him Catholic in his sympathies, and although he was an avowed free-thinker, he gave me a charming volume of Spanish mysticism called *The Dark Night of the Soul*, which his wife had translated from the Spanish and dedicated to him. I have hardly ever met anyone so courteous and I never saw him in the least outwardly ruffled in circumstances which must have considerably irritated him.

Cartoons

I have often wished that I could draw; but I have never yet succeeded in producing even the most modest sketch of an object or a person. But for this disability I should have attempted two cartoons in the manner of Max Beerbohm. The first would have portrayed an historical scene at the Athenæum.

One day shortly before the War I remember finding the Athenæum in a very sultry condition. It appeared that the late Mr Frederic Harrison had been having an argument with the present Archbishop of Canterbury (then the Archbishop of York) about divorce. Harrison with all the Catholic rigidity of Positivism had been scandalized to hear from the Archbishop that he was in favour of divorce being granted for adultery and had indignantly shaken the dust of the Club from his feet.

My second subject is a legendary interview between Dr Alington and the late King George V. King George was alleged to have suggested that as his ancestor, George III, had died many years ago and we ought all to move with the

times, it would be quite a good plan to substitute his own birthday (the 3rd June) for his ancestor's birthday (the 4th June) in regard to the ceremonies and festivities which have always taken place on the 4th June owing to George III's affection for Eton College. All Etonians of that period would no doubt have revolted against losing the admirable arrangement under which a whole holiday on the 3rd was followed by a *Non Dies* on the 4th, but the change of date would certainly have been regarded as really shocking by all old Etonians. Natural piety of this sort cannot be logically explained and it was this explanation that according to the story Dr Alington found it difficult to give and King George to understand.

Tichborne Dole

This Charity is reinforced by a curse pronounced by the first Lady Tichborne who founded it on her death-bed on anyone who should fail to administer the Charity. Only once has the dole not been given away. That was

in 1803. Then, it is said, the head of the family died, leaving seven sons. The six younger sons died childless; the eldest left seven daughters. Part of the house fell down. The curse on the eldest son must sound curious to the modern feminist like Mrs Hubback who complains that daughters are no longer born in sufficient quantities.

Rare and Refreshing Fruit

From a paragraph in the *Evening Standard* of the 25th March 1936 it appears that a "titled woman" could not believe that her servant could obtain as much benefit from a panel doctor as she could from an ordinary doctor!

However the employer began by telling the doctor that she wished her servant to have the very best attention. Therefore he need not treat her as a panel patient but as a private patient, for which service the employer offered to pay at the ordinary medical rate. Apparently the panel doctor, rightly or wrongly, objected to this arrangement so the lady called in her own doctor to attend her servant and a sub-committee of the

Life Law and Letters

London Insurance Committee made a report on the subject as follows —“We realize that there is no compulsion upon an insured person to avail herself of the services of an insurance practitioner, but we are of opinion from the letter which the employer of the insured person concerned has caused to be sent to the Committee that she takes the view that the medical treatment available under the Act is inferior to that which a person would receive if treated as a private patient. We take a more serious view of the action of the employer in causing the practitioner to be invited to treat the insured person as a private patient and if he accepted to commit a breach of his terms of service. We do not say that this latter aspect of the matter was within the knowledge of the employer, and therefore we do not regard it as wilful, but we cannot resist the conclusion that improper inducements were held out to the practitioner and that the action of the employer is to be deprecated. We have arranged for suitable communications to be sent to the employer and the practitioner ”

I cannot imagine any more ridiculous pronouncement. This is supposed to be a free

country and I cannot understand why any employer should not act on the assumption that most panel doctors have not as much time to give to their patients as the ordinary private doctor. It is also common knowledge that panel doctors are fined if they prescribe medicines considered too expensive by the mandarin in charge of these matters. The Sub-Committee's report is drafted as if the employer had been guilty of some sort of blasphemy and ought to be sent to prison.

Writing as an employer who has sometimes been guilty of such quasi-criminal conduct, I contend that I have a serious cause of complaint if my servants and I cannot obtain some benefit out of the taxes which we both pay. If, for instance, I ask my own dentist to make a denture plate for my servant, I can obtain no contribution from the State unless the dentist is himself a panel worker. Thus if I ask my dentist to make a plate for my servant at the cost of £12 for which a panel dentist would charge £8, I am not allowed the State contribution of £4 which would be due in respect of a plate costing £8. This is not only unjust to the employer but it also discourages efforts of this kind being made for the

benefit of domestic servants Perhaps one should not be surprised considering that domestic servants and agricultural labourers have long been Aunt Sallies for the haughty suburban cads who pose in the House of Commons as philanthropists and reformers These noble fellows offer 9d for 4d but give 4d for 9d and their nostrums are nasty without even being cheap

Aiding and Abetting

Recently there has been a tendency on the part of Treasury Counsel to expand this doctrine. In a prosecution of two men who had sold indecent photographs, it was suggested that anyone who bought such photographs could be found guilty of aiding and abetting and therefore prosecuted as a principal This doctrine might logically be extended to prosecuting anyone who goes to a brothel or buys a copy of the Bible (It is true that I can find no decision condemning the Bible as an indecent book, but there is no logical reason why it should not be) It will be interesting to see whether the Public

Life Law and Letters

Prosecutor carries out his threat and it is to be hoped that anyone who happens to have bought any book which the law may stupidly condemn as indecent, will vindicate his right not only to buy but also to possess it.

La Cinquantaine

There are a few golden moments in life—but perhaps more than we expect in the closing years of life. Blessed is he who expecteth nothing. Still as H B once wrote about the end of the sixth decade:—

“Ce n’est que vers la soixantaine
Que l’on découvre l’horizon—
La nuit descendant sur la plaine.”

Most of my golden moments are associated with the Thames or the Cam or Mediterranean scenery, but hardly at all with real mountains except for a celestial vision of Monte Rosa from the Gornergrat in 1890. However on the 25th May 1934 despite advancing years I sat ecstatically contemplating the beauties of Madeira after

an excellent lunch at Reeds Hotel, where from my room I could walk straight into the lovely almost tropical garden which looks down over the incomparable harbour of Funchal. Moreover within an hour or two's drive there is mountain scenery of the only kind which really appeals to anyone long weary of snow and cold (I have always preferred the Pyrenees to the Alps)

Then a small mandolin orchestra suddenly started on a little tune, which partly because of the surroundings and partly because of its inherent beauty, gladdened my heart exactly as Homer describes the process. The melody was so sweet that the sad undertone of it brought only those happy tears through which the world appears in the sort of misty sunshine that is almost peculiar to the emerald mountains of Madeira.

I stupidly forgot to ask the name of the piece till the evening and by that time the players could not identify it so that it became to me like "The Lost Chord"—especially when I tried to hum it! However one Saturday evening in March 1936 the little piece came across the wire-

less and I shall not soon forget the joy of welcoming it from limbo. Naturally I wanted to know something about Gabriel-Marie, the composer, and my kind friend, Roger Eckersley, wrote to me from the B.B.C as follows:—

“Gabriel-Marie was born in Paris in 1852 and is nowadays chiefly remembered for arrangements like ‘La Cinquantaine,’ which is regarded generally as a very effective piece of light music. Apparently he is not considered of sufficient importance to be mentioned in *Grove’s Musical Dictionary*. From 1881–7 he was Chorus Master of the Lamoureux Concerts; in 1887 he conducted the Exposition Concerts at Le Havre. From 1887–94 he conducted Orchestral Concerts of the Société Nationale de Musique and was appointed in 1891 by Guilmant as conductor of his concerts at the Trocadéro in Paris. From 1894–1912 he was director of the St Cécile Concerts at Bordeaux, and since 1912 conductor for the Association Artistique in Marseilles and (in summer) at the Casino in Vichy. He has written effective pieces for orchestra and choruses.”

There is often more facility than felicity in "light music", but "La Cinquantaine" has a Horatian felicity and almost a Horatian point of view. The composer's record is certainly that of a scholarly musician.

The Private Life of the Queen

This little book was written by "One of Her Majesty's Servants" just after the Diamond Jubilee. It is quite a respectable piece of writing, but there are passages in it which amuse me quite as much as *The Home Life of Herbert Spencer*, which is probably better known to my readers. There is in it that quality of euphemism which is agreeably satirized in Belloc's *Lambkin's Remains* and one gets a flavour of it in F.P.'s celebrated parody of a speech made by the late Dr Butler, Master of Trinity College, Cambridge, in which while moving a vote of thanks at the Day of Judgment to our Venerable Chairman he mentioned that in the course of the proceedings "some have done well—others not so well."

In that category is the account of Jonathan Mace, who had been a day labourer at Frogmore in the Duchess of Kent's employ. "Mace was retained as a help in the Frogmore gardens, and could tell some comic stories of the young Princes and Princess and the pranks they used to play. *Without in the least meaning any intentional disrespect* he always spoke of the Queen's spirited sons as 'rare young toads,' and of his first mistress, the Duchess of Kent, as 'the old gal'."

The same flavour appears in the statement that John Brown's bluntness was resented by many of the Queen's relations. The author continues.—"A failing which the kindly Queen refused to recognize, beset him in his later years, but his death caused genuine sorrow in the Servants' Hall, where his portrait now hangs, as in the Queen's drawing-room. A servant's tribute to his memory was, 'I am very sorry he is dead. It would be better for us all if he were still alive'."

There is a curious paragraph about Dickens "which the passage of time makes it possible to relate". "The great author, while still early in

his career, conceived the most passionate attachment for Her Majesty, the girlish beauty which she retained unimpaired for very many years after her marriage, and her sweet grace having made the deepest impression on Dickens. He went everywhere he was likely to be able to see her, and in a most touching letter to Mr Thompson, then a light in literary circles, and the father of Mrs Alice Meynell, and the well-known artist Lady Butler, he poured out his love for the Queen, not as his Sovereign, but as a woman. In this same letter he described how he had spent days and weeks in the neighbourhood of Windsor, hiding among the trees in the Park and lounging about her favourite drives so that he might sometimes catch a glimpse of her. The Queen once saw Dickens act at a charity performance, and one of her pet Skye-terriers was named 'Boz'."

The book is perhaps not appreciated by everyone. I remember infuriating a modern painter by reading a sentence about the Queen which runs as follows — "Just as she bought the poor beaten donkey 'Jacko' from his cruel Niçois master, she will give the first encouragement to

a struggling artist, put the sick in the way of health, and give back to the down-trodden and wretched their self-respect ”

Mr Justice Avory and the Law
as seen by F W. Ashley

Only in recent years have counsel's clerks started writing biographies of counsel, but so far they have produced work which compares well with books either by counsel or by friends of counsel. Mr Ashley's book (largely a biography of his master Avory) is a particularly good example of how this work should be done. Incidentally it reconciles the reader who is alienated by memories of Avory's judicial asperity, particularly when the author records Avory's spirited protest in his young days against the disgraceful behaviour of Sir William Hardman on the Bench

Mr Ashley had also generous sentiments in his youth in regard to the merits of Charles Bradlaugh, whose daughter's funeral he attended in 1935. He is perhaps on more debatable

ground when he describes the trial of Dr Jameson as follows —

“Dr Jameson, Sir John Willoughby, Colonel Grey, Major Coventry, and the other amateur filibusters could hardly be considered criminals, but they had been guilty of an offence punishable by imprisonment if found guilty, and every patriotic Englishman who believed that it was the duty of his race to civilize the rest of the world, using force if force was necessary for the good of the heathen, looked on Jameson and his confederates in unlawful adventure as heroes and martyrs. What did it matter if they had infringed the provisions of the Foreign Enlistment Act? What they had done they had done for the honour of England”

Members of the League of Nations may read this passage with some qualms. Apart from the Ivory theme Mr Ashley gives a valuable description of the old Law Courts and excellent thumbnail sketches of ancient worthies like the late Lord Halsbury, Mr Poland, K.C., Serjeant Parry, Serjeant Ballantine, and others, though the title of the book does perhaps remind the reader of Lord Macmillan's remarks in regard to

the odd notions of the average man about law.*

The public should feel particularly indebted to Mr Ashley for his description of the Beck trial. Adolf Beck may have been innocent of one particular charge made against him, but although he did not rob the woman in that case, he certainly robbed his solicitor and reduced him to bankruptcy in a particularly discreditable fashion. After reading Mr. Ashley's account of Beck it is difficult to believe that he would not rob anyone male or female, for he clearly exploited generosity whenever it came his way.

"Near Home" and "Far Off"

These dark green and light blue volumes, which appeared nearly sixty years ago, bring back almost the same sense of adventure (when I look at them again) as planning a tour which one is not likely to carry out—an amusement justly commended by the late and great Lord Rosebery.

* "It is a tribute to the genius of Charles Dickens and to the pervasive influence of the daily press that to the ordinary citizen the mention of the law conjures up a confused vision of the Courts as portrayed in the *Pickwick Papers* and *Bleak House*, mixed with recollections of reports of criminal trials and sordid matrimonial disputes."

Moreover when reading these books we feel even more poignantly than the author, "How the world has changed! We have tried to describe these changes in the book. One of them is that now wherever you go, you may take Bibles with you" I wonder if the Bible is still allowed through the German customs as it was in 1876?

The author at any rate knows her Bible well, which probably accounts for her delightful passage (almost in the style of Evelyn Waugh) about a "good man," who is obviously Borrow

"There was a good man who wished to give Bibles and Testaments to the Spaniards. So he hired a donkey and loaded it with a bag of books. As he went along a young woman passed leading a little boy by the hand. She stopped him and said, 'Uncle, what have you got on your ass?' Why did she call him Uncle? It is a name which the Spaniards always give out of politeness to people whom they don't know. The young woman said, 'Have you got soap on your ass?' The stranger told the young woman that he sold good books and he showed her a Testament."

At the end of the book she arrives in Turkey, which (as she says) is very different from European countries because it has a different religion. However she thinks it necessary to explain the inferiority of Turkey as a Mohammedan country to Christian countries as follows.—“Mohammed died a long while ago. A maid mixed poison with a leg of mutton in order to see whether the prophet would find it out; but he never did. He ate the mutton and from that time he began to waste away till he died three years afterwards. Jesus, whom we worship, could not be deceived. He knew why Judas gave him the treacherous kiss. He died because He chose to die. Where is Mohammed now? Among the dead. Where is Jesus? At God's right hand. He hears our prayers; but Mohammed hears nothing.”

She goes on to describe the ways of dancing and howling dervishes. “The dancing dervishes twirl round and round like tops shouting all the time, ‘There is no God but the true God and Mohammed is his prophet’” She is perhaps more interested in howling dervishes as to whom she writes —“There is another sort of dervishes

called howling dervishes and they howl till they foam at the mouth Sometimes they bark like dogs Suddenly one falls down and cries out with all his force very slowly, Allah! Allah! (which means God) Mohammed! Mohammed! This he howls till he can howl no longer but lies quiet Then another begins to howl and then another I need not ask you which you would rather see, the dancing or the howling dervishes It must be so horrible to hear the howling—especially of the name of God How different is the sweet sound of Hallelujah (praise the Lord) which is sung by saints on earth and angels in Heaven ”

The other volume is entitled “*Far Off or Asia described*” and unfortunately I have only the first volume of it Most of it was apparently not written by the original author but by her niece and this may account for it being rather less fruity in character than *Near Home* I quote what is perhaps the most typical passage —

“Italy, like Spain, is full of fruits and flowers Like Spain, too, it is a Roman Catholic country The people sing well, and draw beautiful pictures But music and painting do not make people truly wise It is the Holy Scriptures alone

which are able to make us wise unto Salvation.

“There is a man in Italy called the Pope. That word Pope means papa, or father. The Roman Catholics say that he is the father of all Christians. They say that he can do no wrong and that he can pardon sins. They put him in the place of God; yet he is only a man. When one Pope dies, another priest is made Pope. Once a year people meet together to kiss his great toe. Do you laugh? It would be better to cry. How much God must be displeased! The Roman Catholics are called Papists, because they believe in the Pope? Are you a Papist? No, I hope you are a Protestant. What is a Protestant? He is a person who does not believe that the Pope can forgive sins. Do *you* believe that the Pope can forgive sins? The Pope is only a man. How can a man forgive sins? None but God can forgive sins. Jesus shed His precious blood to wash out our sins. He *can* forgive your sins. Ask Him to forgive you, and He will.”

* The name Protestant was given to people who “protested” against error

Old Humphrey and Oscar Wilde

Mr Mogridge, who flourished as "Old Humphrey" in the middle of the 19th century, wrote innumerable volumes, one of which is entitled *Country Pictures*. It contains the following lines on colour —

The red, the yellow, and the blue
Should blended be discreetly
With tints and shades of every hue
All harmonizing sweetly

They reminded me of some verses in the more decadent period of Oscar Wilde and attributed to him, which run as follows —

Put yellow lilies in your hair
But wear not the magenta zone,
For then you would be out of tone—
I could not love you if you were.

George IV

I was interested in the following quotation by Mr Osbert Sitwell of the Duke of Wellington on George IV, for apart from its historical interest, it also illustrates the shrewd impartiality of the Duke, whose opinions always shed a valuable light on his period

“He was indeed the most extraordinary compound of talent, wit, buffoonery, obstinacy, and good feeling, in short a medley of the most opposite qualities (with a great preponderance of good) that I ever saw in any character in my life.”

The Family Butcher

Lord Ponsonby recently asked why any butcher should be called a “family butcher” and whether this meant that he could not supply meat to bachelors and spinsters. Similarly I have often wondered why some solicitors are so

often called "family solicitors" Indeed I can remember my friend Alec Waugh writing that I had a "family practice"

I should define a "family practice" as implying a practice in which a solicitor served generation after generation In various instances I have worked for three generations of clients in the sense that I am beginning to look after the grandchildren

So perhaps the family butcher is one who feeds successive generations of hungry carnivores who have been proof against the vegetarian heresy, and yet may himself remain celibate.

The Fish Carol

There came three pollocks on Christmas Day
To see what they could find—
The first to come was deaf and dumb
And the others were totally blind

There came three pollocks across the sea
And swam upon the shore—
And after them came other three
And after them several more.

Life Law and Letters

There was nothing quite like them in salmon
or pike

Turbot or roach or tench,
So when they came to Bethlehem
They were placed upon the Bench.

And one of them sits in the Court of Appeal
And one in the K B.D ,
And the oldest one, who is deaf and dumb,
Is Official Referee.

And all the dozens of nephews and cousins
Who also followed the Star,
Sat up and took silk with their mother's milk
And are practising at the bar—

REFRAIN

Are practising at the bar, good lack,
How happy they all should be—
But Edmund Sidney Pollock Haynes
Is good enough for me!

Many years ago I received one Christmas day
this charming Carol from Charles Scott Mon-

crieff I hasten to add that none of the family—not even the Official Referee—were ever deaf, dumb, or blind The Official Referee (Edward) had in his youth an operation on his vocal cords which forced him to whisper, but his whisper was more penetrating than any sound known to me. It could be heard quite distinctly through the whole compartment of a London tube train in motion

I amused him once by mentioning a remark overheard while he was trying a dispute about the age of some reputedly old furniture The plaintiff, who complained that the furniture was all faked, was heard to say when he came out of Court, "The only genuine antique in that Court is the Official Referee."

Some Aphorisms

Shortly before his death my old friend (referred to in the preface) unburdened himself of three aphorisms, to wit,

- 1 Constipation is the thief of time

Life Law and Letters

- 2 Perversity makes strange bedfellows.
- 3 Narcissism is the thief of love.

I am sorry to say that he used a coarser word than Narcissism.

Sir Sydney Waterlow K.C.M.G.

I hope that my distinguished friend will excuse my printing the following disrespectful verse about him:—

I am Sydney Waterlow—

My head is high, my voice is low,
I serve an English King's advisers,
Though my moustache is like the
Kaiser's.

It came back to me while I was enjoying an excellent lunch as his guest in Athens.

A Bright Young Christian

In *The Fool Hath Said* Mr Beverley Nichols adds his most individual testimony to the claims of Christianity excluding Pauline doctrine. Testimony to the Lord is certainly catholic—including as it does, the famous negro hymn —

You'll find no flies on Jesus,
You'll find no flies on Jesus,
There may be flies on you and me—
But there ain't no flies on the great J C !

The principal defect in this remarkable book is the author's excursion into Biblical criticism. He betrays *ignoratio elenchus* at every step. The literary value of the Gospels in Jacobean prose has nothing to do with their evidential value. Edward Freeman, a rather philistine historian, remarked of the Arthurian Legend —“It proves nothing and it teaches nothing” But it remains a literary classic. If Mr Nichols had dipped into no more than Matthew Arnold's essays or Mrs Humphry Ward's novels, he would certainly not

assert (*inter alia*) that St John is the author of the 4th Gospel. Arnold reasonably suggested that a Jew was no more likely to write of the Passover as "The Jewish Passover" than an Englishman to write of the Derby as "The Englishman's Derby". I fancy that churchmen are finding Mr Nichols an embarrassing ally on miracles. He has already been called a Fundamentalist.

There is no doubt that myth-making is attractive. The myth that I like best is Haeckel's assertion that Jesus Christ was the son of a Greek officer. This would explain the wonderful combination of worldly wisdom and shrewd humour that we find in the Gospels as, for instance, in the parable of the Unjust Steward. To this human side of the Gospel Mr Nichols does full justice—especially in the chapter entitled "*Christ and Sex*". Incidentally he might usefully refer his readers to an essay written by Jeremy Bentham in 1832 (and not published until 1932) on the same subject. He is not perhaps equally successful in the chapter on "*Christ and War*" and the reader will be astonished by a statement on page 109 when he

alludes to the last War as "a supreme example of this sublime discipline"

On the nature and working of the Universe the author begs the question from the start, for he excludes any theory of fortuitous origin. My own feeling when I contemplate this problem reminds me of the cheesemites who met to discuss the beginning of things and evolved many ingenious theories without ever realizing the existence of a cow! Mr Nichols is not so puzzled as I am and cheerfully assumes that there is only one inhabited planet in the Universe. This is a long way from his outlook just after being confirmed when "I began to read Shelley's *Notes to Queen Mab* as the sun was shining and in the light of after-events it seemed symbolical that as I read on, the clouds began to gather outside and darkness swept over the building in which I sat, and a roll of thunder"

The strongest point he makes is perhaps that the world is at present in a state of appalling chaos in spite of all so-called enlightenment and progress and that if we were to try Christianity again, we might perhaps achieve some better result. He does not, however, seem to realize that

Life Law and Letters

under the Roman Empire and under the British Empire the cause of peace has triumphed better than under Christian auspices. Nevertheless as the Group Movement is alleged to have made "Canada easier to govern" we must derive what hope we can from the account of that Movement and its efforts to reform a naughty world.

I criticize his work in no unfriendly spirit. More than fifteen years ago I found Mr Nichols his first publisher and I have ever since followed his career with admiring interest. Certainly he is quite as sincere in these pages as he was in "*Cry Havoc*". Moreover the book is in parts singularly moving. As I finished the last page I was reminded of a lovely little Chorale which is played on an organ made in 1502 from the Archbishop's Palace about 5,000 feet high above Salzburg. Right over the mountains and woods and down into the beautiful town below, four times a day, this little Chorale makes an appeal to all Christians to remember their religion of love. It is perhaps ironical that this organ-playing should have begun just before the blighting of European civilization by the destruction of Catholic humanism at the hands of the

Life Law and Letters

Germans, who have so often knocked European civilization to pieces. There are, however, certain occasional passages which have the same note of tender appeal, and that appeal is particularly poignant when we of today have to face much the same situation as our ancestors faced in the 16th century

Monogamy and Monotony

Lawyers sometimes think that their clients require legal rather than medical advice. I once consulted an eminent and versatile man of letters in regard to a case where I was trying to promote reconciliation. This was his reply —

“With regard to the case you put before me I should hardly think that it is, as it stands, a matter for a physician. Nevertheless, I am of opinion that such cases of sexual disharmony may be treated by hypnotism or suggestion either to the man or the woman. On the whole I think there are one or two reasonable solutions of this case. I start with

Life Law and Letters

the fact that I think the husband should, if possible, be faithful to his wife. If he finds this impossible, as in fact we know many men do, a woman may, in many cases, be convinced that in this particular case her husband still loves her as much as ever in spite of his unfaithfulness at times, and she may condone it without any loss of self-respect and without jealousy or much mental disturbance. If this is proved to be impossible, I think it advisable for the husband to suggest to her that he has altered his ways and is now everything she could desire, he should in fact for the sake of her happiness and his own peace, deceive her. It is very often a case with women of '*femina vult decipi*'.

"I do not think the man's early sexual impressions make much difference to the state of affairs now existing. The analysis you give of it suggests that the wife possibly feels more a certain lack of passion in her husband than his unfaithfulness. It is within my experience that if a woman believes her man has a real and passionate desire for her, his occasional unfaithfulness becomes a matter of little

Life Law and Letters

moment, at any rate it is not a matter on which she would desire to wreck the marriage.

"There is no doubt that the very busy intellectual life tends in many cases to great sexual activity. I do not think the physiological reason is very obscure. The cerebral activity no doubt stimulates spinal activities as well. Your client is quite right in saying 'holidays favour monogamy but business polygamy!' Nevertheless there is something in the advice frequently given by priests in the confessional, to avoid what they call the occasion of sin. This can be done where there is no passion. I think the woman in this particular case ought not to assume that unfaithfulness is always needed. Whether the man is faithful or not, I think he had better reassure his wife on the subject. It is not easy to recommend deception and perhaps not desirable, but I can see no other way out unless the man submitted to a course of suggestion which few physicians would, I think, recommend. If it were possible for this man to satisfy his instincts and avoid the grosser results of scandal by keeping a mistress of

whom he was passionately fond, I think that would be the best course; but from what you tell me of him I do not think this would satisfy him.

“You ask, ‘Is the problem within the control of medicine?’ I should say that it is *if* the physician thought it advisable I do not think that a man hypnotized into monogamy would necessarily become dull. In any case a course of hypnotism or suggestion would not, I think, settle the matter; it would have to be repeated occasionally. I am afraid that all these sexual disharmonies are very deep and far-reaching and will not be cured until we have done away with most of our modern morality.”

I do not know exactly what happened afterwards; but at any rate there was no divorce.

Port as Medicine

When my mother was about six years old she and her brother and two sisters all younger than

herself were very ill with whooping cough in India. The other children were dead and my mother still survived in what was considered a hopeless condition. Suddenly she saw in the sunshine a decanter of port and waved frantically at it. Thinking that she liked the colour, the nurse shook the bottle about, but my mother showed unmistakable signs of wanting to drink it and screamed when it was taken away. Some kind person argued that if the poor child were dying, it did not matter whether she drank as much as she liked. My mother drank half a tumbler and from that moment recovered.

I can also remember a man being saved from suicide by drinking a bottle of port before the act and by the time he had finished the bottle he had quite changed his mind—but the port happened to be good.

The Demand for Borrowers

The principal trouble of all finance—both public and private—is the scarcity of reliable borrowers and the consequent encouragement of unreliable borrowers.

Sir Edward Boyle's Biographical Essays
1790-1890

Essays not based on original research are always justified by fresh and vivid presentation, by gusto, and by a new juxtaposition of facts which shed fresh light on the subject matter. Last but not least, style is wanted. On all these counts Sir Edward's essays are amply justified and show a remarkably wide reading and scholarship. His topics are certainly varied and extend from the oratory of Victor Hugo to Dr Johnson, and Sir John Hawkins, Pasquale Paoli, Byron's funeral, Samuel Rogers, the Banker Poet, Harriet Martineau, Christina Rossetti, and the *Italiensische Reise* of Goethe.

The essay on Rogers is typical of the rest and gives a remarkably vivid picture of the old gentleman, whose life spanned so many periods and careers. Rogers's taste in art and literature did not extend to music for "although he 'delighted in sweet sounds, in soft-flowing harmonies, he had slight relish for the acknowledged masterpieces of Handel, Beethoven, or

Mozart' When he dined at home and alone, it was his custom to have an Italian organ-grinder playing in the hall, the organ being set to the Sicilian Mariners' air and other popular tunes of the south."

Sir Edward is a member of the Athenæum and therefore probably acquainted with the old legend that Rogers in his old age was constantly accosted by women of the town as he left the Club and never presented any of them with less than one shilling This was of course not far from the days of the night watchman and of the reference in *The Times* to the "unwashed *literati* of the Athenæum"

Seventy-three pages of the book are devoted to Chateaubriand and *Le Génie du Christianisme* Those who have never been able to wade through Chateaubriand will here find a very handy guide to a book which in its time made a great impression and inspired many succeeding French writers, a list of which is given at the end of the essay Sir Edward's criticism is constructive but also impartial The account of Chateaubriand's death and burial shows Sir Edward's style at its best "The end came on

Life Law and Letters

July 4th 1848, the day of the Revolution, and the guns sounded in his ears as he died To some men their tomb is a matter of indifference, to Chateaubriand it was, on the contrary, a matter which had exercised his mind for years. He is buried on a rock in the open sea off his native St Malo. The rock, the Grand Bé, is approachable only at low water, and on its seaward side there is the grave, visible from the ramparts, a stone and cross which bear no name No more romantic spot can be imagined, the picturesque town with its medieval walls and its little tidal harbour, the broken, bare, hilly coastline extending on either side as far as the eye can see. Such a tomb suggests pride and at the same time humility, loneliness, and romance Silhouetted against the sky-line, it is a constant witness to the thesis which *Le Génie* was written to prove It is, in fact, an epitome of Chateaubriand "

Sir Samuel Romilly (1757-1818)

A biography of Sir Samuel Romilly has long been needed and Mr Oakes has done his best

to pick up the widely scattered threads of his life Romilly was a Huguenot by origin and displayed all the tenacity and acumen that is usually associated with that type Business anxieties of his father, who was a jeweller in London, combined with his mother's bad health were largely responsible for the nervous weakness which resulted in his committing suicide soon after his wife's death in 1818

Romilly's career was unusual in the sense that he achieved considerable success in his profession as a lawyer while at the same time conducted an unsuccessful crusade in the cause of law reform As Solicitor General in 1806, and soon after in opposition, he fought hard for the abrogation of the death penalty which was then applicable to over two hundred offences including thefts of only five shillings This barbarous law did not even spare children and they were often condemned to death as a matter of routine

It is curious that after many years of agitation inside Parliament and outside he succeeded in abolishing only four capital offences out of the two hundred, but his activity, which found expression in pamphlets as well as in speeches,

Life Law and Letters

fructified after his death both in the matter of capital punishment and in the matter of naval and military flogging. His professional work involved him in the litigation about Queen Caroline and in the affairs of Lord and Lady Byron. It is interesting to learn that Byron's grudge against Romilly, rather indecorously expressed in ribald verse about his suicide, arose mainly from the fact that his solicitor had retained Romilly and that Romilly's clerk had forgotten the retainer when Lady Byron's solicitor subsequently arrived.

On the same page on which this verse is transcribed Mr Oakes records that Lushington, who lived to the age of ninety-two, made a statement in which he confirmed the fact that the cause of the separation was not incest but "brutally indecent conduct and language of Byron"* towards his wife. Romilly's reforming activities brought him in contact with many men who were hostile to the law as it stood and did not move in legal circles such as Bentham and Dumont. He was equally happy in his marriage and his friendships and this no doubt did much to com-

* I have heard that Lord Holland expressed the same opinion

Life Law and Letters

pensate him for the disappointments of his public life, particularly as he was perhaps too serious in temperament to find relief in humour or even satire.

Romilly's reforming activities included Catholic emancipation and legislation to prevent an heir to land escaping the responsibility of a testator's debts. He also objected to the power of the ecclesiastical courts and sympathized with his friend Bentham's anxiety to reform the marriage laws at a time when divorce could only be obtained at a prohibitive expense from the House of Lords. It was a curious career for a highly successful member of the Chancery Bar and the principal tragedy of it was that he never saw the result of his exertions. He died in 1818 at the age of sixty-two, but if he had attained the age of seventy-five he would have seen his mission accomplished. As Mr Oakes writes, "In 1820, the Speeches were published. In the same year the Bill to abolish the death penalty for 'privately stealing in shops' passed both Houses although, by amendment in the House of Lords, it was limited to goods of the value of ten shillings. Two other Bills became law. In 1823

judges were given the power to record and not pass sentences of death except on convictions for murder. Between that year and 1831 consolidating Acts were put on the Statute book, and benefit of clergy abolished. In 1832 the first Reform Parliament was elected and, shortly after, there were swept away the barbarous survivals of a brutal age."

The last sentence is certainly too sweeping, for even now there are barbarous survivals with no Romilly to protest.

*Some Notes on Ancient and Medieval
Diplomacy*

"All government, indeed every human benefit and enjoyment, every virtue and every prudent art, is founded on compromise and barter," wrote Burke. The art of compromise is based on the science of contract; but it might be more conveniently called the art and science of diplomacy, and the essential connection of the art and the science is shown by the fact that every diplomat is or ought to be no less of a jurist than he is a negotiator. He negotiates between States

Life Law and Letters

much as the lawyer negotiates between individuals. This function, it is clear, must permanently coexist with the independent sovereignty of States, for a State can no more be absolutely self-sufficient than the individual.

The idea of human solidarity has found expression at all times and in all forms, whether it be entitled the Law of Nature or the Law of Nations, the Commonwealth of Christendom or the Parliament of Man. Viewed less broadly, the coexistence of two societies in itself implies the necessity for a mutual regulation of interests. The exigencies of trade demand an occasional breathing space in war and some security for aliens in peace. Thus the ancient Arabs enforced peace for four sacred months of the year to hold their great fair and the cuneiform despatches between the Kings of Egypt and of Asia in the 15th century B.C. record the existence of commercial treaties in the dawn of history.

Yet, permanent as human needs may be, the means of satisfying them do not necessarily remain identical or even similar. Circumstances merely expand or diminish the scope of an institution almost to the extent of destroying its

continuity. Thus primitive diplomacy centred round the consul and the occasional envoy, while modern diplomacy has developed resident ambassadors, ministers, *chargés d'affaires*, military and civil *attachés*—not to mention foreign news-correspondents and international barristers to plead before international arbitrators.

Even the last fifty years have witnessed portentous changes. For at least two centuries the diplomat was, in the words of Wotton's epigram, "An honest man sent abroad to lie for the good of his country". It was a diplomat, best known in the first decades of this century, who said that words were meant to conceal our thoughts. But what avails the old diplomacy now? The ambassador is little more than a puppet manipulated by telegraph wires; he has few secrets that are not also the property of popular assemblies and newspaper editors. Comparatively little is left to his individual discretion and there is even a remote chance of his ceasing to exist.

The acid test of all diplomatic achievement is the extent to which it succeeds in minimizing or displacing war as a means of settling disputes between States. Whereas war has in our own

day become supplementary to diplomacy in this connexion, the early stages of human history present an exactly opposite state of things. The obvious method of deciding a difference of opinion was by fighting, and envoys only appeared when the combatants were too exhausted to continue. Even then, the cessation of arms was commonly temporary, peace was not durable, unless it were of the Roman type, and it was conditioned rather by the absence of the enemy than by the presence of the diplomat.* Barbaric clemency resembles that of Marshal Narvaez, who said he could easily forgive his enemies as he had shot them all. Primitive diplomacy regulated war rather than preserved peace, it was the medicine and not the daily bread of States. Treaties were literally "the voice of suffering humanity."

This is mainly true of the tribal state of history. The essential factor in negotiation was a common religion and ritual, which implied a common *ἡθὺς* or congruity of custom. Yet even the tribal exclusiveness of Israel did not prevent the observance of certain amenities in war, as

* *Solitudinem faciunt et pacem vocant*

when David sent messengers to thank the men of Jabesh Gilead for having buried Saul. Under Solomon it permitted of close commercial dealings with Tyre; but an advanced civilization at once develops an organized system of mutual cooperation. Thus between Rameses I and Seti I, the first two sovereigns of the 17th Egyptian dynasty, there was a treaty engraved on a sheet of silver which stipulated for an offensive and defensive alliance, and even the extradition of criminals.

It is this stage of diplomacy that best repays examination—especially in Europe. The approximation to European federation was realized in the Amphictyonic Council of Hellas. The *Jus Gentium* and *Jus Feciale* of Rome and in the medieval idea of public law (derived from the feudal sanctions of the empire and ultimately from the theocratic sanctions of the papacy) are often invoked to justify the belief in a future Areopagus of Europe—or (as it has been happily called), the New Leviathan. It must, however, be remembered that the modern conception of international law is only descended from the *Jus Gentium* by an “irregular filiation,” that

Life Law and Letters

Hellenic and medieval states had much more in common from many points of view than the modern nationalities of Europe, and that the theoretical jurisdiction of each supreme arbiter as the Amphictyonic Council and the papacy very far outran all their real capacity for enforcing their decisions either by moral influence or material force.

Again, the modern cosmopolitan postulates too radical a change in human nature. The commonplaces of diplomatic intercourse are as old as civilization itself. The "balance of power" is sometimes written about as if it had been discovered by statesmen of the last century in the same sense that the principle of gravitation was discovered by Newton. Yet it was most exhaustively handled by Demosthenes when he exhorted Athens to side with Magalopolis against Sparta, it is alluded to by Polybius and is undoubtedly the clue to Theodoric's policy with Clovis. This is only one of a thousand possible illustrations. Hence Hellenic diplomacy, though existing only between city-states, has its lesson for us. It very closely resembles the Italian diplomacy of the 16th century, and medieval

Italy was the cradle of the modern diplomat. Hellenic history, like most other history, seems to show that diplomacy divorced from material force rarely achieves any permanent results, that the coincidence of particular and general interests is only occasional and exceptional, and that any instrument of international police is therefore generally at the mercy of the strongest state or group of states that can use it for political aggression.

The Hellenic ties were a common tongue, religion, and mythology, together with a common civilization which at least differentiated them sharply from the Oriental. They all equally respected the Delphic oracle and attended the Olympic and other games. Their politics were cosmopolitan enough to admit of oligarchic or democratic enthusiasms transcending civic patriotism. Their religious sympathy made possible the institution of the Amphietyonic Assembly. This assembly met half-yearly with authority to deal with religious, political and social matters and to keep a watch over the oracle. It grew out of small religious fraternities between adjacent cities. Though not joined by

Life Law and Letters

many of the smaller states, it had in theory a great moral influence—especially as a guarantor of peace. But it never had any very practical power and its later history was discreditable. Shortly after the battle of Leuctra the Council consented to the infliction of a gratuitously aggressive injury on humiliated Sparta at the instance of victorious Thebes. Twenty years later, from purely selfish motives, it expelled the Phocians and admitted Philip of Macedon to membership, nevertheless it did stand for a symbol of unity and in relation to it, cities like Athens and Erythrae were theoretically equal. A similar decadence attended both the Athenian confederacy of Delos and the Peloponnesian combination under Sparta. The disintegrating factors of mutual suspicion and lust for power could not long be neutralized.

Even the stimulus of a barbarian invasion elicited no more harmony of resistance than the occasional assassination of Persian envoys, which violated the most rudimentary ideas of humanity. The oracle which could denounce in peace the perjured Glaucus, became extremely ambiguous at the prospect of Persian irrup-

tion. Yet if the ideas of a unified Hellas were little realized, the weaker, and consequently more permanent, ties of diplomacy were in good working order. The first record of a consular service emerges in the account Herodotus gives us of the privileges enjoyed by the Greek traders at Naucratis under Amasis. The consul was inviolable, he had access to the political authorities, and a certain amount of jurisdiction; he would often be entrusted with a diplomatic mission when it was inconvenient to send an envoy. Though he was usually a native of the country in which he resided, and little controlled by the foreign State, the system seems to have answered. In passing, it may be noted that the consular institution never loses its simple continuity. It goes on under the *praetor peregrinus* of ancient Rome and then into the hands of the medieval *telonarii*. The longwindedness and the crabbedness of the Thucydidean treaty have some historical significance. The embassy was, one may infer, treated with deference and every word of the treaty must have told. A Greek embassy often included, besides the envoy, the herald (who preceded it), besides

plenipotentiaries and commissioners delegated by the people to attend the conferences. No less elaborate were the treaties. They provided means for settling quarrels between members of an alliance, or for appeal to the arbitration of a private citizen or of another State or of the Delphic oracle.

There are indications of common usages in war and in peace. War is mitigated by common rites of burial. (It is worth noticing that the speech of the Sophoclean Antigone to Creon on the sanctity of these rites contains an appeal to eternal ordinances. That has a great affinity with the appeal of the Stoic philosopher and Grotian jurist.) In peace, too, there exists a rudimentary extradition. The relatives of a man murdered abroad, would in virtue of the *αἰσχρολογία* obtain vengeance.

The Roman supremacy soon blotted out these Lilliputian foreshadowings of an European concert, though it came to close quarters with the legal relations of States. At the outset it must be remembered that the writers who so happily misconstrued *Jus Gentium* into the law of nations, neglected the essential connexion of

Life Law and Letters

diplomacy with religion. The *Jus Gentium* was in its origin a law merchant forced on the Roman lawyer by the commercial needs of the citizens trading with the residents alien in race and religion, and by the necessity for settling their disputes. But Roman diplomacy began and ended with the *Jus Feciale*, which prescribed the formalities of common usage existing between the Italian peoples and was administered by the *Feciales*, a college of priests who were guardian of the public faith. They presented ultimatums, declared war, and ratified treaties. In the fifth century B C, they were sometimes supplemented by envoys (generally of consular rank), chosen by law from the Senate. In 189 B C an embassy to Antiochus consisted of three *consulares*, four *praetoriani* and three *quaestorii*. Under the empire, negotiations were carried on by special deputies at the appointment of the "*princeps*". Nor was the *Jus Feciale* without its philosophic interest. Cicero often alludes to it in his treatise *De Officiis* in discussing the eternal problems of war and peace.

The modern fabric of international sanctions was, however, to be compounded from a fusion

Life Law and Letters

of Greek and Roman ideas. The *Jus Gentium* begins as a purely empirical device of the *praetor* on a basis of rough common sense, it grows eventually to be the traditional embodiment of a lost code based on an appeal to Nature, i.e. to the principle of rationality, which the Stoics conceived to be revealed alike in the universe and in the individual man. In other words, it becomes a concrete manifestation of the *Jus Naturale*, as the Roman lawyer simplified and generalized law by the Stoic standard. This tendency began in the time of Cicero and is explicitly defined in the institutes of Justinian, where the *Jus Gentium* is said to be the product of "*naturalis ratio inter omnes homines*" Vitally important as these formulae became in the sixteenth century, they had no connection with the diplomacy of the Empire, the very existence of which was a standing negation of political equality and independence based on international sovereignty. Once more history shows us that universal peace implies universal dominion.

The same result emerges in the growth of medieval diplomacy, which was of three kinds—Byzantine, Intertribal and Papal. Each

system, however, merged finally in the modern system; each has coloured the system of international negotiation as it exists today.

The main interest of Byzantine diplomacy lies in its indirect descent from the Roman tradition and in its being the model imitated by western and eastern Europe. Its methods were adopted and adapted by Venice in the fourteenth and fifteenth, and by Russia in the tenth and eleventh, centuries. Its functions were to set the enemies of the Empire at variance and to retain the fidelity of its allies; its workings were utterly unscrupulous. Its agents were generally chosen from the *personnel* of the Imperial Court and each received special instructions.

The Intertribal diplomacy of the barbarian kings was based on a rather inarticulate understanding. Sir Henry Maine long ago pointed out that medieval sovereignty was either universal or tribal; and territorial sovereignty took a long time to emerge from feudalism. Hence, the relations of such kings as Clovis and Theodoric were like those of law and vassal, purely personal. But treaties had to be made from time to time, though they usually had a merely temporary

Life Law and Letters

value Treaties of alliance were casual and short. The mediation of Theodoric between Clovis and Alaric in 487, and the partition treaty between the four children of Clovis on the advice and guarantee of the great lords and churchmen, show the high-water mark of achievement at this period. But from these intertribal politics sprang the feudal system which in later times immediately regulated the public law of Europe. Papal diplomacy began with Gregory the Great, but never struck any deep roots owing to the growth of nationality after 1300 at the expense of theocracy.

Christianity and War

(written in August 1914)

Men of all creeds and opinions have no doubt been deeply moved by the dying words of Pius X —“In ancient times the Pope, with a word, might have stayed the slaughter. Now I am impotent and forced to see the spectacle of my own children leaving for the war and abandoning their cassocks and cowls for military uniform”

Life Law and Letters

The pontiff cannot have forgotten that the present war was initiated by one of the most Catholic potentates in Europe nor are non-Catholic Christians outside Germany likely to be edified by the pious utterances of the Kaiser. Nineteen hundred years of Christianity have left the modern world at the mercy of dynastic and national ambitions which are now devastating one continent and may easily devastate several. For all practical purposes, modern nations are like the great Saxon chiefs in early English history who set up courts of law but only respected judicial decisions in proportion to the number of retainers that each could bring to the judgment seat.

On the other hand the peacemaking forces of the modern world are not religious; they are humanitarian, financial, commercial, and intellectual. Of the Powers fighting for the cause of peace today Russia is the only Power that can be said to emulate Austria in religious fervour. In the late nineties Mr Kipling popularized the idea that we were the chosen people or at least had the advantage of a most-favoured-nation clause. But that feeling has not emerged in the

England of today Even believers are not now "on such easy terms with Heaven" as the Germans, to quote Mr Watson's fine sonnet in *The Times* The feelings of believers are everywhere respected, for example, chaplains have been reappointed in the French army, though France is always held up as the principal representative of infidelity But we are not likely to hear that the French army derives its real inspiration from Catholic emotion.

As a matter of fact Pius X rather exaggerated the power of his predecessors It may well be doubted if medieval Europe ever achieved so staple an equilibrium as was established by the Amphictyonic Council in the Hellenic world or later by the Roman Empire

The papal diplomacy may be said to begin with Gregory the Great, who mediated between the Lombards, Italians, and Greeks He virtually inaugurated the work of arbitration, which became so distinctive a function of the papacy, and the Church collectively did much to preserve peace and mitigate war, especially in the tenth and eleventh centuries Knights had to swear not to molest defenceless peasants, women, or eccle-

siastics under pain of excommunication. An association and a militia of peace directed by the Bishop was set up in each diocese. Two councils of the eleventh century relegated days of warfare to one hundred and twenty days a year, and in 1139 the Lateran Council anathematized the cross-bow "*Artem illam mortiferam et Deo odibilem.*" The power of the Church to enforce its decisions lay merely in her moral influence over the secular power in each country, which from 800 to 1300 was very great. During that period Europe was always an implicit, and often an explicit, theocracy. Strong potentates, like Philip Augustus of France, the Emperor Frederick II, and King John of England had to acquiesce in the papal pretensions. Moreover papal favour had its uses. The Pope could dispense friendly monarchs from the obligation of an oath—especially if it had been sworn to a heretic.

But the gradual secularization of politics which led to the temporal aggrandizement and moral degradation of the papacy is discernible even in the thirteenth century. The crusades developed commercial and diplomatic relations

with States outside Christendom, and in spite of Innocent III's scruples as to keeping faith with heretics, St Lewis and other European monarchs were loyal in the observance of treaties. In two important instances the papacy seemed rather a negligible quantity. In 1263 Henry III and Simon de Montfort invoked the arbitration of St Lewis rather than that of the Pope, which resulted in the Mise of Amiens, though Simon's subsequent career suggests that he only wished to gain time. In 1286 Edward I mediated between Philip the Fair, Alfonso, and Jayme of Sicily. Eventually, the matter was settled by a conference at Tarascon, at which France, England, Naples, Aragon, the Papacy, and Charles of Valois were represented. Even then the Sicilians did not abide by the decision. The utter failure of the papal attempt to mediate between Edward I and Philip is only another example of how strong a factor nationality was becoming in European politics. The papacy had also lost any monopoly in diplomatic traditions, for at the Court of Philip the Fair there grew up a regular class of diplomats.

It was Comte who maintained that in 1300

the year of Boniface VIII's magnificent jubilee, Europe ceased to be medieval. The theocratic idea was palpably declining, the empire had lost its old splendour with the extinction of the Hohenstaufen twenty-four years before, and the papacy was in Avignon at the mercy of French wire-pullers. European institutions were in the melting pot, and there was nothing but a scum on the surface. The boyhood of the Middle Ages had ended and the manhood of modern Europe had not begun. The papacy revived indeed in the next century but only to become an Italian despotism mainly supported by *condottieri*. It was for the most part regarded in Europe as an invaluable source of discord in Italian politics, and as an useful stage property for issuing antiquated fulminations against an opponent. The empire also seemed likely to prove itself worthy of its epitaph-writers—Dante and Marsilio of Padua; but, just at the very moment of its apparent resurrection in 1521, it began to be a house divided against itself. Two great conferences in the fifteenth century indicated the tendencies of the times. The Council of Constance in 1414 was virtually an assembly of

European potentates regulating the affairs of Christendom with more reference to political than to religious interests. The Congress of Mantua, summoned by Pius II in 1459 to unite the powers in a crusade against the Turks, amply showed that for all practical purposes there could be no reliance on the religious solidarity of Europe. The success of the Council was due to the possibility of putting old wine into new bottles, the failure of the Congress was due to the impossibility of putting new wine into old bottles.

This tendency became more and more pronounced in the 16th century when the Reformation strongly reinforced the whole movement towards nationality.

The sixteenth century also witnessed an entire obliteration not only of the old sanctions of medieval Europe, the most shameless instance of which is probably Francis I's uncompromising repudiation of the treaty of Madrid, but also the destruction of the religious lines of cleavage in a period of so-called religious warfare. The French Alliance with the Turk, the papal understanding with the Protestant Brandenburg dur-

ing Charles V's campaigns against the German Lutherans, and the papal negotiations with Solyman I show plainly enough that religious considerations were entirely subordinated to political aims. A purely dynastic diplomacy comes to birth and meets with eminent success. Thus Cardinal Wolsey was able to usurp the papal prerogative of mediation, and by judicious trimming between France and the Empire, to raise England to a position of great importance on the Continent. Elizabeth averted an inevitable war for thirty years by a seemingly impracticable alliance with France, and a disavowed support to the Netherlands. Such diplomacy anticipates that of Cavour and Bismarck.

The upheaval of Europe was, however, mainly due to the Reformation. The political *cadres* of the old system could not comprehend rebels against Catholicism, the basis of the medieval polity. The religious revolt forced the Pope and the Emperor into the position of partisans. Men asked, like the French Chancellor L'Hôpital, who was to decide between Catholic and Protestant, when each disavowed what were for the

other the fundamental sanctions of public and private morality Luther's reluctant confession of the way in which private morality had suffered in Germany after the downfall of Catholicism, and the non-moral relation of states which conditioned the speculation of Machiavelli, forced European thinkers to undertake the codification of some secular principles for regulating the transaction of international business

This demand was supplied by the publication of the famous treatise *de Jure Belli ac Pacis* of Grotius in 1624. The great qualities of the book were both historical and legal. It is a marvellous compendium of every sentence bearing on international usage that could be found in classical or medieval writers. Though Grotius, like old Protestant publicists, appealed primarily to the Old Testament and Roman law, he by no means neglected the declamations of writers like St Augustine, or his Spanish and Italian precursors who wrote in the last half of the 16th century. Perhaps the most important of these was the exiled Italian Protestant Alberico Gentili, who studied in Oxford from 1580 to 1600. Gentili

Life Law and Letters

and Grotius did more than moralize on the evils of war after the manner of Thomas Aquinas, Bonet, and Christine de Pisan. By invoking the sanctity of the Law of Nature (or, as it has been happily paraphrased, the highest common sense of mankind) they became the fathers of international jurisprudence as it now exists.

Grotius not only had to cope with the religious revolution, but also with the territorial sovereignty of monarchs which had not hitherto been explicitly avowed. He at once appealed to the Law of Nature as "*id jus ita omnibus hominibus commune, ut Religionis discrimen non admittat*" and dealt with the national kings as a "group of Roman proprietors." Since the Law of Nature was binding on States *inter se* and was determinable, there was no need for imperial or papal suzerainty. Like Ayala, he considered the Law of Nature to be for all practical purposes identical with the Law of Nations. The distinction he draws is only important when he applies it to the mitigation of war. The Law of Nature is eternal and unalterable by God himself, whereas the Law of Nations is merely

the product of the universal assent of mankind and is based on utility. Thus, though the Law of Nature demands that all States should be on a footing of equality with each other, it does not prohibit the non-declaration of war or the use of such means as the poisoning of springs and of weapons, or the employment of hired assassins. But the respect for the "*communis utilitas*" on which the Law of Nature rests, not only mitigates war by the prescription of certain rules, but is also the only guarantee for rights of embassy. These ideas were revived in a modified form by Pufendorf in 1672, by Leibnitz in 1693, by Wolf in 1749, and by Vattel in 1758. Pufendorf advocated recourse to mediation or arbitration, though the Law of Nature had nothing to say about these milder methods, Leibnitz applied his principles to the Constitution of the Empire, and Wolf argued that the social principle as revealed in the Law of Nature was as binding between nations as between individuals.

Vattel's treatise, however, is singularly modern, despite his starting with the most rigid maxims on the relations of individuals in the

Life Law and Letters

State of Nature. Thus he dealt with such questions as the occupation of rivers and he maintained in an age which Lord Malmesbury justly described as "Treaty-breaking," that the treaty-breaker should be regarded by the Powers as a public enemy. He tabulated methods of international settlement under the heads of concession, compromise, mediation, arbitration, and appeal to an European conference. He pleaded for the mitigation of war on the ground that a belligerent aims at putting the enemy *hors de combat* by disabling but not by killing him. The Law of Nature "does not permit of infinitely extending the evils of war". It is worth observing that as late as 1793 France was appealing to the Law of Nature in connection with the navigation of the Scheldt. Such is the debt of Europe to Grotius.

Even the Catholic Vico learned the principle of nationality from Grotius; but he censures Grotius for basing law on human sociality guided by reason, whereas law has no other source than God Himself. But Catholic Europe then, as now, theoretically accepted papal arbitration. The idea of a theocratic arbiter was

systematized anew by the Italian writers, Belli and Ferretti, and by the Spanish Jesuits, John of Carthagena and Suarez. Suarez, especially in his treatise *de Legibus* (published in 1621) most skilfully reconciled contemporary ideas on the law of nature with the doctrines of the Church and does not repudiate human solidarity. So little in fact did the papacy seem to be affected, that Henri IV actually proposed to make the Pope President of a Confederation of Catholic States, and the Pope was represented at nearly all the great congresses of the next two centuries. In 1884 the Pope arbitrated between Germany and Spain in regard to the Caroline Islands, and vainly offered his services to the United States and Spain in 1898. But the "moral support" given by the papacy to the Peace Conference of 1899 must be taken rather as an expression of good will from Catholic Europe than as an indication that there is any prospect of thus settling disputes between Catholic and non-Catholic States.

One may boldly say that the main stream of effort towards peace was purely secular after 1500.

The Congresses of Munster and Osnabruck in 1643 and of Westphalia in 1648 represented the common endeavours to formulate a non-religious compromise which should satisfy not only the Emperor and the Empire, Catholics and Protestants, but also the claims of European Powers as such. This period closes with the Congress of Aix-la-Chapelle in 1747, and if the Congresses did not achieve international peace they at least permanently regulated international usages.

The Holy Alliance was of course more ambitious, and between 1815 and 1823 succeeded in establishing a kind of European police force in the interest of contemporary dynasties. But all its work was undone by the purely national diplomacy of men like Cavour and Bismarck between 1830 and 1870. Its chief legacy to Europe was the idea of an European Concert, and some such idea was obviously in Sir Edward Grey's mind when he made his last effort in the cause of peace before the outbreak of the present war. Whether such a project will be within the range of practical politics should Austria and Germany be defeated is doubtful;

but shrewd observers see the tottering of dynasties, and new democratic forces may conceivably insist on every *casus belli* being submitted in the first instance to the Hague Court and also on a proportionate reduction of armaments all round

The important point is that the civilized world is building up a system of international morality without any direct inspiration from religious ideas. When once the religious foundations of medieval Europe had given way and a system of secular nationalities had grown up the old code of Christian sanctions utterly collapsed. For four centuries Europe has been laboriously building up a system of international morality which has never found a clearer expression than it did in August 1914. Europe tolerated Frederick the Great, but she did not tolerate Napoleon I. She is still less likely to tolerate a psalm-singing edition of Frederick the Great. War is for us as much a folly as a crime, and my old French exercise book contains the excellent axiom that we repent more of our follies than of our crimes. In any case our appeal today is not to a capricious God of Battles but to all

those harmonies of common sense and humanity which have evolved from strength to strength ever since the dawn of civilization. The day of the tribal deity and the belligerent dynast is done.

The agnostic feeling of the modern world has never been more significantly obvious than in connexion with the present war. Austrians and Russians are sincerely pious in their way but their respective Emperors displayed an utter disregard of divine injunctions which are at the root of all Christian teaching. The Kaiser's ejaculatory telegrams about his god were strangely out of tune with the Nietzschean doctrines of his people. There seemed little religious sentiment about the war either in France or Belgium. The sudden crop of verse in *The Times* and other papers was markedly reticent as regards supernatural intervention. The word "God" was used almost as a rhetorical expression or in the same vague manner as in the phrase "God bless you". According to *The Times* "The true God does not now reveal Himself in fire from heaven to the confusion of the priests of Baal" But why not? The Archbishop

Life Law and Letters

of Canterbury was forced to mobilize a personal Devil in order to explain the ghastly carnage and devastation that two devout Emperors brought upon Europe with scarcely a protest from the vast ecclesiastical organization which in some countries costs almost as much as modern armaments. It seems a sad waste of money to pay both for the Church and for armies and navies if the Church can do nothing to prevent war because of the Devil. Moreover quite a large number of clergymen do not believe in the Devil, though in days when they did they were quite expert in the art of dealing with him by exorcism and other methods.

War has at least the advantage of evoking a sharp sense of reality, and when we see how little the Churches have ever accomplished in the cause of peace as compared with "the highest common sense of mankind" we can better understand their utter impotence in the face of such an appalling catastrophe as the present war. We are forced to work out our salvation.

"Non tali auxilio, non defensoribus istis"

[The above words written twenty-two years ago have some historical interest today. They

Life Law and Letters

were a challenge to Christians to vindicate the cause of international peace. Since 1914 the Church of England has worked more than any other religious body for the cause; but the Pope has uttered no protest against Mussolini's theory and practice of conquest. Germany and Russia are both avowedly atheist, and The League of Nations claims no sort of religious inspiration. If a religious revival could achieve international peace, it would be as welcome to unbelievers as anyone else; but it seems even more impossible now than it did in 1914]

Extract from a Letter to the Western Shipping Agency Ltd.

. . . My only complaint is that nearly all the expeditions start at ridiculous hours such as 9 a.m. which are sufficiently reasonable in the tropics but not in Scandinavian cold and damp—and why should one be unnecessarily hustled on a holiday? Usually the excursion ended about 3 p.m. and the ship did not start till 2 a.m., another ridiculous hour invented to let Cooks

Life Law and Letters

organize a tour to see the "night life" of Hamburg and other places. This is imbecile because (1) obviously no real life of that kind is exhibited by or through Cook (2) dictators like Hitler who want to plunge Europe into carnage and torture have (or pretend to have) all the prudery of Putney or Croydon.

Finally the ship landed at the outrageous hour of 8.30 a.m. and the passengers having risen about 6 a.m. to pack bounced down the gangway at 9 a.m. and stood in a kind of wooden *grille* on the platform till the train went at 10.45 a.m. ! This did not happen to me personally—but that is another story. I mention it only as a specimen of the unnecessary discomfort caused by the usual British disregard for obvious amenities—all of a piece with the only too rich and unpalatable food served on the models of the more ignorant *nouveau riche* household. Here again the Head Waiter nobly came to my rescue.

When is a ship not a ship?

When she's ashore. She is then little but a base

Life Law and Letters

appendage to the shore or a beast of burden being loaded up with base cargo—human and otherwise.

Doubles

Father had a double and *that* went down ;
Mother had a double and *that* went down ;
Still we didn't care—we wandered up and
down—
And went and had some doubles at the Rose
and Crown.

Father stood a double—and *that* went down ;
Mother stood a double—and *that* went
down ;
We could all see double when we toddled back
to town—
But we had another double when we all fell
down.

This delightful little song used to be sung on that noble ship, the *Atlantis*, by a mariner at a "cabaret" who appeared with wandering eyes

Life Law and Letters

and a purplish nose I fear that I cannot accurately produce the tune that fitted the words like a glove The singer had a slight likeness to Dan Leno and the song brought back the glories of an age which produced Max Beerbohm and Dan Leno and a fine disregard for unpleasant consequences It was in fact the seed ground of the race that defied Prussian fulminations

Palmerston

Publishers keep on publishing books on Mary Queen of Scots, Queen Elizabeth, King Charles I, and Oliver Cromwell without tackling the lives of less obscure but more interesting people Similarly, reviewers keep on writing the same old *clichés*

I have just read a typical review of a work on Palmerston The reviewer points out that modern Ministers are always repeating the words of Palmerston and his contemporaries Why is this creditable to a modern minister? It is only too true—but not a sign of modern intelligence. Palmerston is of course praised for

Life Law and Letters

all the old but by now stale reasons. He is a diplomatic pugilist and a gallant trencherman, though the reviewer is too shy to refer to his extensive *amours* or to mention that he was a Harrovian. But why not refer to the fact that he was an aristocratic rationalist of the 18th century? Why not refer to his successfully carrying through the Matrimonial Causes Act 1857 in the teeth of violent opposition or quote (as Buckle did) his excellent reply to the Scottish pastors who wanted to institute a fast to propitiate God against the cholera epidemic? But modern English reviewing is only too like modern English cooking!

Cannes

The faint blue typewritten *News* slides under my cabin door. The first page, containing cricket and football scores but not even Stock Exchange figures, I crumple into the wastepaper basket. The second describes France in the throes of a Communist strike. Nobody is working, Parisians dread starvation, rioters triumph, and even

Life Law and Letters

the "famous Blue Train from the Riviera" has ceased to run

The cruisers land at Palm Beach Casino. Some go off to Monte Carlo in cars, my fellow traveller and I walk along Les Croisettes and reach Les Allées and admire again (*inter alia*) the noble statue of Brougham and wish we could say with him of *Spes* and *Fortuna*

"Sat me lusisti, ludite nunc alios"

The world is amiable, the band plays, the waiter brings an excellent bottle of *vin du pays*. We climb through tiny little streets (where merry children are playing and singing) to *Le Donjon*. Thence we get one of the most lovely views in Europe—hills and mountains protecting this heavenly spot from North winds and right away Eastward the delicate lines of snowy ridges. Below are boats—large and small—gently swaying in the harbour, and the isle of Lérins out in the blue bay. The sun shines on all of us—whether communist or not—and we enjoy a heavenly peace. Blue trains may cease to run, but blue skies are even more important.

Sir Harris Nicolas G.C.M.G., K.H.

was born on 10th March 1799. He entered the Royal Navy in 1808 but retired from the service in 1816. Soon afterwards he was called to the Bar and became a great peerage lawyer. His naval signalling system is still known under his name, his books on peerage law are still quoted, and his edition of Nelson's dispatches is still a standard work. His other works on heraldry, literature, medieval records, and such persons as Lady Jane Grey and Sir Christopher Hatton are "on the shelf" but are well worth taking off the shelf. His evidence in regard to the condition of ancient records, following on his efforts to reform the abuse, was of national importance. He died at Boulogne on 3rd August 1848 after having made what arrangements he could with his creditors, leaving a widow and large family. There is a quite excellent summary of his career in the *Dictionary of National Biography*.

The following extracts are taken from a long letter which Lady Nicolas (*née* Davison) wrote to her younger son (Percy) in India on the 28th

Life Law and Letters

October 1857—ten years before her death The style is fruity and Victorian, but she had the pen of a ready writer and the tragedy of her husband's career is well described. A man of less independent and prickly temperament would probably have found congenial work in the British Museum, but unluckily Sir Harris involved himself in a most acid controversy with men like Palgrave and Panizzi which closed this avenue.

Three of his letters to Sir Walter Scott show his real geniality and enthusiasm and are printed as a sort of appendix to his widow's sketch of him, which runs as follows —

When he sailed for the Mediterranean he was a child in years and the more judicious system of the present day, which allows a boy to remain a year or two longer before joining his ship and which provides a Schoolmaster to continue the education of the youngsters was not then in force and the child in age, delicate in health with a wild strength of will, sensitive in feeling with talents and taste to render him the ornament of a learned profes-

sion, was thrown amongst the smoking idleness, and practical jokes, and ribald jokes of a cockpit, physical debility and sensibility being thus increased to irritability, which was the parent of annoyances which lasted through life.

When he joined his elder brother in the *Pilot*, his disadvantages were in no degree lessened. His Captain was impetuous and despotic, unsympathising with the sedentary pursuits and gentler nature of his young brother, who loved and admired his eldest brother with almost feudal reverence; but with many high and good qualities his ambition and self-aggrandizement predominated over every feeling and it is to be regretted that his treatment of his younger brother was not more judicious, at the period too when his precocious mind and character required especially careful training.

During the interval between his 11th and 15th year, he was continually engaged off the Coast of Calabria bombarding different towns. With less than ordinary physical and manly strength, his moral courage, as well as his love

Life Law and Letters

of enterprise, always prompted him to be one of the first to volunteer his services on any special occasion and he narrowly escaped death from a shot fired from a Tower into the gun boat in which himself and a brother midy were seated, the ball striking Mr Simpson (nephew of Thos Chapman Esqre) and literally shattering his head to atoms. A "dipping" of his own head had alone saved him from a like fate. He returned to his ship dispirited with the lifeless body of his friend, the companion of his merrier moments and later pleasures, feeling (as he afterwards said) his first thrill of horror at the presence of Death. The next hammock to his own held the body of his messmate and friend'

(From the age of sixteen till he came of age he lived at Looe in Cornwall. His uncle, Major Nicolas, died and left him all his land in the place but owing to mismanagement by others he found the whole property much incumbered when he succeeded to it.)

Some profession then was urgently necessary

and he decided on the Bar, came to London and took Chambers in the Inner Temple where he entered himself as a Student. (They were in Crown Office Row) This was probably the wisest move he ever made. Hitherto, his companions and competitors had always been his inferiors in every way, and even the mind of a genius or scholar to be large and liberal must mix with various grades of intellect—with other minds of high caste, must know and feel all the forms of human knowledge and must take part in acting, thinking, rejoicing, and suffering with his fellow men In the Metropolis he found his equals and his superiors and the result was most advantageous, enabling him to form a more just appreciation of his own powers and deficiencies and enlarging his views of mental culture

During this period he formed many valuable and enduring friendships which have survived through good and evil report, through prosperity and adversity through time, space, and exile These were his delight in happy hours, his comfort and support in

Life Law and Letters

adversity, friendships which even the gloom of the grave has failed to chill, but which have recognized the merits of your Father by evincing interest for those most dear to him. The heart which could excite and reciprocate friendships so intense and disinterested must be of no ordinary stamp and every testimony of affectionate sympathy is another jewel in the bright diadem of virtues which he has left to his family. He was affectionate, ardent, and enthusiastic, his ambition soaring far beyond the narrow bounds of ordinary men.

With all his love of reading, society was an essential ingredient in his view of happiness and he enjoyed it to the utmost. He joined a debating club an association of kindred spirits who met to stir the latent sparks of wit which would have been dormant under solitude he also mixed cheerfully in the general society, the companionships formed in the Temple. By these means he was enabled to enjoy many agreeable hours with intelligent people, which not only helped to curb a wild strength of will and

some peculiarities of a neglected boyhood but gave him juster views of life generally and helped to strengthen the valuable friendships already formed

His personal expenditure at this time (1818) was very limited His half pay as Lieutenant was actually all he had to depend on (£90) and he contracted *no debts* at this period His table was frugal in the extreme and little he spent on his person; indeed it was sometimes doubted if he was attentive enough to the requirements of dress!

His chambers in the Temple cost him from £20 to £30 a year—he had a lad—the son of the laundress—to whom he must have paid, however moderately; therefore not much remained for luxuries and dress; for his board was deducted from the £90 But I repeat *upon his own authority* that he did not, at that period, add to his already heavy burthen of debts Those he did suffer from were the result of the legal sacrifices he had made to gain pre-eminence at Looe—to help his elder brother and family and from having too generously and thoughtlessly allowed money

to be squandered at the will and wish of those who ought to have preserved his small patrimony intact.

About this time, he began to write for the *Gent's Magazine*, a publication which receives and fosters rising talent by publishing for it, but offers no pecuniary assistance. He also often wrote articles for newspapers on subjects that interested him, under the signature of "Clionas" an anagram of his name, these articles were also gratuitous. Therefore he was the better able to choose his own time, his subject, and the journal he most affected, and was unfettered by the will of the Editor. The subjects he usually wrote upon were strictures on Naval affairs—Naval Signals—Half pay—on the Registration of Wills—on Constitutional History—on Heraldry and Genealogy, which were subjects of deep and lasting interest to him.

The year before he fixed in the Temple, he went to France, seeing Paris and spending some months in Brittany, after which he returned to England, and entered himself at the Inner Temple. He there made the acquaint-

ance of Charles Okey, a fellow student, the first cousin to my sister in law, Letitia Davison, and through Mr and Miss Okey our first introduction took place early in the year 1820 when some sympathetic fancy took *his* senses captive and his talents and enthusiasm impressed *me* most favourably.

In my utter ignorance of this predilection Mr Okey and his sister found continual opportunities for meeting at their house, and he was not the man to lose these opportunities. His sentiments were soon apparent and I confess that his talent, his chivalrous sense of honour, his enthusiastic love, were then and always have been, my pride and admiration

When his proposal that I should be his wife was formally made, it was rejected, upon prudential motives, no means being available for the support of a wife With the tenacity of his character, he ignored the rejection and continued with subtle assiduity to press a suit where the objection was only pecuniary, building largely upon the prospects which the Bar opens to the hard worker &c &c and so

successfully, that after some months the opposition waned and he was acknowledged as a lover

Extreme in all things, his courtship was carried on with an ardour and fervour which would startle the more matter-of-fact feelings of the present generation To be with—to write to—to be doing for—the object of his love, was the business of his life and to it every thought was sent—withdrawing him from his books—his cell—and overcoming his natural reluctance to move. His letters meant but for our eyes were positive marvels of patient industry, written on a sheet of foolscap paper, crossed in black ink and again crossed diagonally in red ink, when the postage to Brighton made it necessary to limit his communications to once, or at most, twice a day! Whilst in Town, they were only limited by the impulses which were in themselves unlimited!!

On the 28th of March 1822, we were married at the small St Pancras Church, in the Hampstead Road. My cousins, Mr and Mrs and Miss Davison, were present. My

brother and his wife, and infant son, Mr Herrick, Sir Charles Young, and Miss Wichard, who with Miss Davison, was my bridesmaid My dear Mother remained at home We went first to Rochester and the following day to Canterbury, the bridegroom having a desire to search for records in that ancient Chapter House. We took apartments in the High Street and remained there three weeks; the greater part of each day of our honeymoon being spent in the Record Office, over the gateway to that most beautiful Cathedral From thence, we went on to Ramsgate for another three weeks, and then came back to lodgings in London previously to going into Cornwall to reside.

Water-Looe was on his hands—& tho' mortgaged, it was more prudent to occupy it if it would not let. The house was quite destitute of beauty—but its position was charming, having really every constituent of scenic beauty Built midway on a steep hill, it commanded a good view of the picturesque town beneath, with its bridge, with its numberless attenuated arches, stretching

across the river, which divides just above, and the two branches run up far beyond where the eye can follow fringed on both sides with hanging woods. The fine open sea, beautiful rocks, Looe Island and the vessels at the Quay, forming a living landscape from the front windows—there was a nice, though peculiar garden, and in the humid mild climate, flowers and shrubs flourished in rich profusion. However, like Rasselas, he grew impatient. A few months sufficed to shew him that though at sixteen, as the leader of the wild spirits of the place, he had found in Looe, enough to satisfy his then moderate views, a year or two of London life amongst aspirants of a higher class had given him larger views and made a more enlarged sphere essential to his happiness.

My absence from my Mother, was always a painful feeling to me and would of itself have been motive enough to make me wish to leave Cornwall, even if he had not felt it a state of stagnation for his ambitious projects, and after residing there for 9 months, we heard of a probable purchaser, and it was sold

Life Law and Letters

for a sum which nearly cleared the mortgagee's claims.

During that nine months, with no society, with no new and few old books—our life was truly that of a boy and girl and it was happy that there was congeniality of taste enough to prevent discontent on either side, for truly a run across the fields, a ride, or a drive, were the only variations to daily monotony.

In 1821 your dear Father entered himself at the Inner Temple as a student for the Bar—in compliance with his intentions expressed to the Guardians, when they consented to the marriage, that the Bar was to be followed as a profession, to procure a future provision. Having “eaten” through his terms and time of probation he was called to the Bar in May 1825. He evinced much indisposition to general practice, either at the Chancery or Common Law Bar, whilst his decided bias in favour of literature became more and more determined and was the next stirring interest in his life.

The biography of “Secretary Davison” first appeared and was followed by various

Life Law and Letters

Pamphlets, papers, letters in Newspapers, the *Gent's Magazine* &c. &c. History, Genealogy, Heraldry, Chronology, all had great attractions for him, and his knowledge of Peerage Law, entirely grew out of these pursuits, and made him, as he was afterwards, the first Authority

When we quitted Water-Looc we engaged a house at Kew Green, for a year, where our first child, Sarah Florence, was born on the 9th of November 1823 and was baptized there, Sir Charles Young and Mr Kerrick being her Godfathers, my dear Mother and my friend, Jane Davison, her Godmothers Our life at this time was retired and economical, his attention was entirely given to literature His '*Notitia Historica*' "*Catalogue of Herald's Visitations*" &c. &c. and his greatest work in the sense of labour, the '*Synopsis of the Peerage*,' all being done about this time, and the only breaks in a working life were his frequent journeys to London to the British Museum, to consult MSS and books

On the 19th Novr 1824 Mortimer Wadham, our first born son, was born. In March 1825

Life Law and Letters

we spent a week in London, with our two infants, that such duties as a call to the Bar necessitated, might be done. The terms were kept, that is, the requisite number of dinners were eaten, for there were few other preparations made for following the profession with vigour.

I fully believe that he wished for general practice but he *feared* to enter the arena. He knew his own powers and felt that he had talent, industry, intelligence, and energy, to succeed in any of the ordinary paths which lead to competence, if not to fortune and yet, strange to say, with this conviction, he could not overcome his distrust and fear lest the deficiencies of his early education should subject him to ridicule or a disparaging remark so that his nervous dread of a false quantity made him shrink from competition with men of perhaps lower capacity though better education. He was fully aware of his giant power of work and his keen perceptions, and had he happily bent these to overcoming the early disadvantages, we know not how entirely a life of anxious care might have

been changed to light-hearted happiness and perhaps prolonged!

On the 12th May 1825 our poor little boy closed his brief existence after a few months of delicacy which scarcely gave hope of prolonged life

At this period your Father was much engaged upon History and published the *Literary Remains of Lady Jane Grey* and *The Privy Purse expenses of Henry VIII* with smaller papers. The law was abandoned excepting such branches as grew out of his pursuits for the research consequent upon questions of Dignities and Honours and the Laws of Peerage cases seemed to be a part of his every day occupation. His quickness of perception, ready wit, critical acumen, and extensive knowledge of persons and things acquired from his constant though desultory habit of reading, gave him advantages over lawyers generally and even of men of celebrity on those peculiar questions and he was sure to be referred to in all cases of doubt and difficulty. His untiring industry ferreted out obsolete and obscure terms and customs of

law which would not occur to a lawyer in practice but without his antiquarian and historical knowledge.

A proposition to write the *History of the Navy* was made to him about the end of 1825. He was also preparing the *Scrope and Grosvenor Roll* at this time, and the frequent references which were required at the British Museum made him wish to leave Kew, not a wise move, as subsequent events proved. We took a house in Somerset Street, Portman Square at £80 a year besides taxes and at much sacrifice furnished it. *The History of the Navy* was abandoned for the time. *The Scrope and Grosvenor Roll* so far from being remunerative was a heavy expense. The other works *Testamenta Vetusta*, *The Poetical Rhapsody*, *Memoirs of Augustine Vincent*, *Memoirs of Sir Kenelm Digby*, *Journal of Bishop of Beckington*, &c &c, yielded but very small remunerative profit, certainly nothing to meet and defray the increased expenditure. Our dear lost Grace Margaret was born on the 4th May 1826 in Somerset Street, and a few months after that

event we removed into a cheaper house, 23 Tavistock Place, and with a sad loss in money furniture &c.

The first Peerage claim which was really entrusted to him was one of the claimants of the Barclay Peerage, which had long been before the House under the management of Lord Brougham, and other celebrities but which was opposed by Lord de Lisle by his Counsel, your Father His conduct of the case was so far successful that the client whom Lord Brougham considered the "right man" found his claims set aside and your Father's client's claim acknowledged, though it was some time before party feeling gave way and Lord de Lisle got his Peerage

The reports upon and drawing up the cases of the "Annandale Peerage", "The Bryan Claim", "The Tracy Peerage", and opinions on various claims followed this first success and seemed to promise a successful career, though we were repeatedly assured that Sir Samuel Romilly, the lawyer who had had the greatest success in that branch of the profession, had repeatedly admitted that Peerage

cases could not *average* £200 a year even to the most successful.

The *Scrope & Grosvenor Roll*, an antiquarian work of more pleasure than profit to him, individually occupied much of his time at this period, *Observations on the State of Historical Literature* which grew out of the difficulties and expenses incurred in getting the *Scrope & Grosvenor Roll* copied for publication *Rolls of Arms, Herald's Visitations* and a *Letter to Lord Brougham*, then Lord Chancellor, upon the abuses of the Record Commission were all written about this time

Our fourth child, Mary Gertrude, was born on the 12th January 1828 only to remain a brief period, being recalled on the 16th July in the same year.

In the years 1829 and 1830 he was employed for many months by Lord Goderich then Colonial Secretary in arranging the anomalies of the "Order of the Bath", which it was then in contemplation to extend and make it also an Order of Civil Merit. This work was acknowledged but never requited, beyond giving him a third class decoration, which he

never wore or acknowledged.

On the 23rd of June 1830 our son, Nicholas Harris Nicolas, was born, your Father's great friends Sir Thomas Croft, G F Beltz, Lancaster Herald, and Joseph Gwuit, being his Godfathers. The period was marked also by your dear Father's first appearance at the Bar of the House of Lords as an Advocate. During the next two years several of his books came to light. *History of the Battle of Agincourt*, *Privy Purse Expenses of Elizabeth of York*, *Siege of Carlaverock*, *Report of the Proceedings of Claim to the Barony of d'Isle*, *Report on the claims to the Earldom of Devon*, his most successful effort in this branch of the profession. It had been the great desire of the then Heir to prove an existing Writ—but without avail. A note in "Carlaverock" on the Courtenay's Earls of Devon led the presumptive heir to call on your Father, who undertook to *prove his right* which the "House of Lords" assented to and granted the claim. Smaller gains have made the fortune of less deserving men—but fortune has in all pecuniary instances been most

perverse with him. Thanks and gracious acknowledgments he received from all the family and a silver teapot from the Heir to the "Earldom of Devon" and "Powderham Castle", but to a good man struggling with the hard and daily trials of life a more permanent and substantial benefit would have been well bestowed.

In his first Peerage case "Brougham" was his Leader, in the Devon Pepys, in another Rolfe. It is remarkable that all and each of his leaders as Q C. attained the very highest positions in their profession and yet not one held out a helping hand to a struggling brother.

In August 1831 Helen Renée was born A long illness marked the time somewhat sadly in my mind An event which was gratifying to your dear Father fixed the period in his Unknown to me, he had sought to be numbered with the six literary men upon whom Lord Brougham was going to advise the King to confer Knighthood and the 3rd class decorations of the Guelph Order Lord Vernon, I believe, was *his* friend on the occa-

sion, for friend I shall and must consider the person who steps out of his own path to gratify another and it did gratify *him*, though I consider it a questionable benefit. Where the means of living most moderately are wanting and talent, industry, and influential acquaintances have failed to procure income to live upon and our own resources daily diminishing, I could not but feel pained that we were to be elevated to a position where the poverty which was hard enough to bear in obscurity, should be brought to light and our difficulties quadrupled. It was a sore struggle whether to feel most gratitude for the tribute to my husband's talents or most to grieve for the troubles I foresaw it would bring on us! At first it was considered necessary that we should have a better house. The small one was given up and we went to Loughton for six months to the great benefit of the four children's health and our finances. The Winter brought us back to Town, tho' not to a permanent house and in February of the following year Philippa Eliza was born.

The Memoirs of Lady Fanshawe, Memoirs

and Life of Joseph Wilson, and Pamphlets on the Record Commission were written

In April 1833 we removed into Torrington Square, and as it proved in the sequel, an injudicious step Hope and expectation were however strong and justly so, for he knew he could and would work as much as any man and naturally thought that the turn and tide which leads to fortune must sooner or later come to him Increased expenses, however, were certain, increasing income problematical

The death of William 4th and the accession of Queen Victoria in 1837 gave a stimulus to political events and the Melbourne Ministry with their readiness to create and revise Peerages caused claimants to rise up in more than usual numbers Cases of doubt and difficulty were brought to him and for that year Peerage Law was productive, yielding him £600 or £700 an income sufficient to maintain a family. But alas! it was but for one year! During the next not a single Peerage case was before the House and to sustain the house and family the income

of our whole dependence was mortgaged, Mr Russell, a kind friend, doing all that was considerate and honourable

Political changes soon destroyed all hopes of the profession being again remunerative. The Melbourne administration was exchanged for the Peel Ministry and the Premier gave out that neither new peerages would be created nor yet abeyances terminated in favour of claimants to old ones in consequence of the Peerage being already swamped by the unscrupulous additions which had been made to carry through unconstitutional measures. Another of those strange turns in the wheel of *misfortune!* Othello's occupation's gone! The shrewd sagacity, talent, and industry which had raised *him* to be an authority in one branch of the profession when the summit was almost within his grasp, the gains and rewards eluded his reach and the profession itself ceased to exist! This was one of those untoward circumstances neither to be foreseen nor prevented.

In the pecuniary sense of the word ill-luck

was too often his inheritance On several other occasions he was on the threshold of good fortune's steps and had the mortification of being pushed aside by some more favoured tho' not more deserving son of Fortune.

During the "Peel Administration" a plan was in agitation to make the "Order of St Michael and St George" an order of Merit for Science and Literature as well as for Naval and Military distinction Of course, that would have added new duties, and it was proposed to give the Chancellor a salary of £300 a year which would have satisfied him; but alas the Premier resigned the Administration changed and the plan fell to the ground

His knowledge of Records and the Archives of the Kingdom caused him to be selected to give evidence in the House of Commons upon the working of the Record Commission when it was brought to notice that the public money had been recklessly spent. The Commission was broken up and it was not for two or three years afterwards that another was organized under more careful supervision. Under this

Life Law and Letters

arrangement it was proposed to your Father to edit the "Minutes of the Privy Council" The former works had been paid exorbitantly £1,000 and £2,000 per volume, which he had animadverted upon. The terms he named for the work intrusted to him was £150 per vol and as he calculated upon being able to prepare two or perhaps three in each year, the pecuniary reward satisfied him and would have left him some time at his disposal. However after six volumes the publication was given up, new people being brought into the Commission, the accounts over-hauled, and all further disbursements for publications stopped. Here then again was the labourer who was worthy of his hire, deprived of the £300 or £450 a year that he had calculated upon to maintain his family.

Lord Lyndhurst at one time wrote his name down as a candidate for a vacant "Poor Law Commissioner" It is usual to put three names and the first is generally the one selected. Here again luck ran counter to his interests. Severe and dangerous illness kept Lord Lyndhurst to his room and Dr Locock

in close attendance and Mr Campbell on the Northern Circuit, who was engaged to be married to Dr Locock's niece, and waiting such an appt [*sic*] to marry, was placed at the top instead of third on the list and of course got the prize.

Lord Glenelg once told *him* in reply to *his* asking him to promise him an appt that he thought it better not to promise, for it "really seemed to him that as soon as a Colonial Secretary promised to him their tenure of Office ceased!" Nevertheless he placed his name as a candidate and for several years he had hopes of being made Secretary to the Govt at Malta. He, however, never was offered the appointment

The romance of real life hardly gives a more curious and unlikely incident than that which happened in reference to his "Orders of British Knighthood"; a work undertaken at his suggestion and at his labour by Mr Hunter, Robe Maker to the Queen. It is a grand and chivalrous work and its projectors being generous and liberal, it grew from the small volume originally intended to four of

Life Law and Letters

the handsomest volumes extant, containing a "History of the Garter" which is an Authority for all future ages, and Histories of the "Thistle of St Patrick", "The Bath", "St Michael and St George", and the "Guelphic Order", which was at that time an English Order. The work was produced at an expense of between three and four thousand pounds. Two copies were presented to the Queen and she ordered that thirteen copies should be richly bound to present as presents to Foreign Sovereigns.

Mr Hudson Turner, your Father's amanuensis, chanced to be in Strongitharm's, the Seal engraver's, one day when a gentleman came into the Shop and asked Mr Strongitharm if he could tell him anything of Sir Harris Nicolas, the author of the *History of the British Orders of Knighthood* stating that there had been a great discussion that morning at Buckingham Palace as to what *present* Her Majesty should send. One of the disputants named a "Set of the Gold Coronation Medals," but the Queen did not think *that* a sufficient reward. It was then agreed that Sir

Henry Wheatley should make enquiries as to what might be deemed an acceptable gift and went to Strongitharm's in pursuance of this object. It was one of those very remarkable coincidences that perhaps the only person in the dense population of London who ought *not* to have heard the discussion chanced to be present when Sir H. Wheatley somewhat incautiously repeated the conversation Mr Strongitharm referred him to Mr Hunter as the person best able to tell him Sir Harris's expectations and wishes. Mr Hunter very judiciously described his position as a barrister practising in peerage cases, which unluckily "were not", as a literary man, and as the Father of eight children without adequate means to maintain and educate them, and that the object of his wishes was "*place*" to enable him to support his family rather than a temporary reward!

But for having Sir Henry Wheatley's visit and remarks confirmed by Mr Hunter himself, we should have almost doubted Mr Hudson Turner's report; it seemed so very improbable that the Queen's intentions would

be openly discussed and so unlikely that the one person of the two millions in London should be the person to hear and report the private conference

Of course for some weeks after this time we were daily in hopes of hearing of something that was to raise our dejected spirits, that at least a gift or some especial mark of Royal favour would follow the inquiries which (I am convinced) could only have been answered as highly satisfactory But days and weeks and months and years rolled on and nothing was done and nothing ever came and was was never again heard of! And yet *his* name was often present to them because when the Queen had a Fancy Ball, by her desire Miss Skerrett wrote to ask about a dress which was believed to have historical anomalies Prince Albert sent Mr Wyon about the coinage to him to consult upon the new coin and again upon the decorations for the new Houses of Parliament so that in fact he was standing Counsel and general referee upon all points of difficulty, but the necessity of enabling him to live with comfort and maintain his family

has not been recognized by any and he held an appointment as "Chancellor of St Michael and St George" for seventeen years without salary, fees, or reward of any kind.

That he was hardly dealt with all do and must admit and ill-luck far too often crossed his path, though it is a matter of doubt whether we ought to call him unlucky if we take his life from its earliest stages. The son of poor parents whose wants and aspirations were limited within very narrow bounds, with a very moderate education and few advantages beyond his inherent energy of character and unwearying industry, he yet succeeded in working out a reputation for himself during his life and insuring a certain degree of posthumous fame. His reputation was a source of gratification to his parents and he was and is an acknowledged authority on all subjects connected with historical, antiquarian or genealogical lore besides naval knowledge in all its theories.

That he was ambitious is not to be denied and what man who feels that he can raise himself a step in advance of his fellows is not

ambitious? It was probably a false step in a money view to quit the beaten track and chalk out a new path for himself, but *this* is successful with some and might perhaps have been so with him, but that his enthusiasm and impulsive feelings rejecting the restraints of prudence tempted him to remarks which made him enemies and laid him open to the unjust aspersions of the jealous and morose. Strength of mind is not unfrequently accompanied by strength of feeling and passions, for nature is always sparing in giving unbalanced and unqualified good. Strong and fierce energies and stormy impulses have both their favourable and unfavourable influences on the character.

The anomalies in your dear Father's character were perhaps the most extraordinary features in an uncommon character! With the strongest possible prejudice in favour of good birth, ancient lineage, historic distinction, armorial ensigns, and all decorations and external circumstances of rank and distinction in his early days, he was Radical in his political creed, a reformer in its most

extensive sense, so that with an innate respect for the successor of a long line of ancestry the bearer of hereditary and acquired distinctions (a burning desire to join its ranks) still when the Aristocracy was under discussion he would abstractedly condemn the whole Peerage *en masse* and like Lord Brougham disparage the class whilst a Commoner, though when he found it within his grasp he gladly joined the disparaged band.

Your Father was gifted with more than usual quickness of perception. *That* was apparent even among very clever men and this in a great degree compensated for a deficient education, for his general knowledge and intelligence were the fruits of his constant if desultory reading. He was conscious of his deficiencies at the same time that he knew his capabilities. One of his constant habits when brought in contact with men of high reputation was to measure his power by theirs in argument upon well-known subjects. In conversation his enthusiasm and general knowledge most frequently bore him victorious; his own pursuits being always first in his

thoughts naturally became the leading topic of his conversation and his research and stores of knowledge enabled him to keep the position when gained.

He could, however, both acknowledge and feel superiority in others, to Lord Lyndhurst he willingly succumbed, his great powers impressed him with profound admiration and respect, and whenever he was brought in contact with him it was to quote him to be more and more impressed with a truer and more exalted idea of the "Godlike intellect in man," which Milton so graphically and beautifully describes Your Father was often characterized as a warm friend and a bitter enemy His bitterness, however, was never the result of prejudice or caprice, it was rather defensive than offensive When misrepresented and offensively and unjustly attacked, he could wield his powers of sarcasm with no unsparing hand. The warmth and devotion of his feelings to his friends few will question and surely that man must have had more than common good in him whose friendships when once made could survive

Life Law and Letters

through more than the usual trials of friendship, which survived through good and evil report through prosperity and adversity and through time and distance.

He liked society and had a very keen sense of enjoyment and was keenly alive to the ludicrous, sometimes startling you by the boldness or absurdity of his illustrations, his droll imaginings scattered with reckless prodigality. Then the comic would give way to the simple energetic or sententious as the prevailing impulse dictated. The desire to make a witty speech sometimes led him to be unjust to himself and to speak from impulse of the passing moment rather than from his own strong sense of right and fixed principles. His fervent affections and kind good heart made the world within him hopeful and joyous whilst a strong healthy current of common sense freshened the living springs of feeling and encouraged fair hopes of future distinction.

Even the tide of ill-luck which seemed to run so strongly against him, failed to crush these high hopes for many years and he

patiently awaited that turn in the tide of human affairs which we are told "taken at the flood leads on to fortune" That flood alas! never came to him and he bore up against the depression of circumstances with the fortitude and submission of a good Christian and the passive courage of a really great mind. A life of struggle is, however, a life of heavy trial Whether brought on by extravagance or adverse fate, the human temper is fretted, the spirit rendered impatient, and if the affections are not stunted their natural force is dissipated, the mind having to dwell continually on painful subjects, too often engenders discontent and acerbity of disposition. In thinking over all the various painful positions which fall to the lot of many perhaps there is not one which so nearly reaches the climax of human misery as that harassing state when the dawn of day is expected with dread, when daylight comes to remind you that in a few hours the busy hive of men will be instinct with life and alas! to the distressed what annoyance does it not promise?

Industrial life gives many examples of

longevity but only where peace and competence have been equal to the simple wants. The peasant depends on his wages to procure his scanty meal that gained the richer times of harvest. His bees, his gleanings bring the increased funds which rent and clothing require. With the artizan and other handicraftsmen the same comforts are obtained by careful industry. But the requirements of the sensitive and intellectual are not so easily compassed and when the stern oppressions of life overtake them the very sensibility which under happier circumstances would be the beauty of their character, becomes its *bane*, health declining as its bright hopes fade away.

The struggling workers with minds ill at ease are seldom the long livers, for though the human machine will work easily and last long when well tended yet when over-taxed with excessive friction and ill at ease, it preys on itself and fades and consumes long before its appointed time. When political changes put an end to that branch of the Law to which he had devoted himself and Peerage law ceased to exist all hope of maintenance through that

channel was for ever gone. His books were not only *unremunerative* but positive losses. The pressure of debt and difficulty had rendered the sacrifice of certain income a stern necessity and it was compulsory to seek for public employment and income, but during a long period the will to serve him united with the power of doing so did not meet in a person of sufficient influence to carry it into effect, and he went on with lessening hopes and giant industry working day after day with painful interruptions from money applicants, the constant wants of a large family, and with weakening health the result of disappointment—disappointment in his case now harsh and stern now hard and impenetrable. Yet there is something more than sublime in the recollection of the resolved fixed purpose with which he worked on with suffering yet uncomplaining nor succumbing to the trial with nothing to support him but the “Hope” the poet sings and the Christian leans upon.

His applications for place were unheeded and hope itself was beginning now to fail him

Its extinction is like the setting Sun, the brightness of life is gone the shadows fall and the world becomes a dim reflection of the past.

Years rolled on only to add poignancy to the pressure till it reached the point where friendly help was unavailing In 1847 it was clear that the crisis was at hand the heart-rending miseries of that year are too deeply severe for a feeble pen to record, though it is too painfully vivid at this moment

When departure from England was resolved upon, preparations made for the journey and all things decided on *then* and for the first time did my most dear Harris, whose high resolve had hitherto borne him through, succumb to the blow He strove to come to his domestic table but the overwrought feelings gave way and he rushed from the room in an agony of grief that agony which I have ever since looked upon as his Death-stroke.*

My suffering through that day, I would not, if I *could* tell you A feeling so complex from fear, despair, affection, and admiration, none

* This must have happened in the Spring of 1848 when Percy was 14 years old

could describe and few I hope will ever know each feeling by turns gaining the ascendancy I dreaded yet longed for the hour when the vessel was to sail for Boulogne and separate us I counted the hours in dread lest a personal interruption should be added to our brimful cup of misery and these racking fears paralysed the senses almost to the exclusion of the dread of separation which the wretched circumstances involved With the afflicting exception I have named, he bore up wonderfully through it all and as I think of *his* trials my respect and admiration for his conduct increases, if that be possible, the affection I always have felt and ever shall feel for him

You, my very dear Percy, sailed with him, for I could not have had him left to himself, with none of his family to comfort him and your sex made your companionship the least inconvenient to him, your thoughtful consideration, the most desirable companion and you could best be spared.

When once the barrier was passed and the goal attained, new scenes, fresh air, and above all, freedom from vexatious intruders, the

elasticity of spirit for which he was so remarkable returned and the 3 or 4 weeks he passed in his new life were comparatively cheerful whilst the painful arrangements were being completed in his abandoned home.

At the end of that time, you know, Harry, Helen, and I joined him I well remember his delight at our arrival The rest of the family soon followed us, and he was happy in looking for a house to hold the reunited family. Happier, I fully believe, than he had been for the eight or ten previous years of his life.

That the want of congenial society out of his own family and of literary converse generally was a great privation to him there can be no doubt; the interruption to his own pursuits and the want of books he felt keenly but he was still surrounded by his own, had new scenes and sights to shew them, and felt the relief from the daily depressing fears of his London life and better still, the light of "Hope" began to brighten for to a sanguine mind It was reasonable to expect that having reached the crisis, the turn in the long path of misfortune must come too—that enemies

would be silenced and friends urged to greater exertion that the influential would come forward to help a good man from being overwhelmed by adversity

I fervently believe such would have been the result if it had pleased the great God in his mercy to grant him longer life. But his trials had been too great for his too sensitive mind and frame and he succumbed

It is a small consolation to me to think the house at Capécure was his own selection and that he had a short-lived period of pleasure there*, his good friend, Lord Strangford, coming over to see him. His eldest brother and family were a week at Capécure. Its mephitic air, however, told upon his shattered health and was probably the immediate cause of death. The torturing anxieties of the last few years worked their way upon a brain which had long been severely taxed and it is scarcely matter for surprise that when gastric or nervous fever came on the constitution already shaken by mental anxieties could not

* The house was the Château Bertrand in the Rue Amrémont which had belonged to one of Napoleon's generals. An ice-cream factory stands on the site of it. The drains were bad.

Life Law and Letters

bear up against the necessary remedies, even had the treatment been most skilful which I grieve whilst I think it *was not*. Congestion of the brain ensued and his mind was prostrate under the Almighty hand of God.

The extremity of my own nervous fever at that sorrowful time deprived me of the comforting reflection that a loving wife's attentions might have soothed his bed of sickness. As it was, I only returned to convalescence and power to realize the melancholy doings six weeks afterwards to find that I was a widow my children fatherless, the prop of my life and my most congenial friend and companion removed for ever.

As I look at the event at this distance of time I cannot but feel deeply grateful that his consciousness did not return. When once the *fiat* had gone forth and his intellect was crushed under the affliction of Congestion, it was a merciful dispensation which kept him darkly insensible to all the sad surrounding circumstances Had a ray of brightening reason returned, how painful might have been his feelings that a wife and eight children

were to be left in a foreign land surrounded by strangers, without means for future existence friends or home to fly to or property of any kind to help their necessities or meet the heavy demands on the limited finances in hand. It is scarcely possible to calculate the amount of suffering he was so mercifully spared if a temporary revival only was to be granted.

To several good and sympathetic friends who most generously came to the help of the fatherless so soon as the obituary in *The Times* announced the fact, I feel more deeply grateful than my feeble words can record.

To so sensitive a person as your dear Father, the crushing anxieties of the 3 or 4 previous years must have been most trying and might well cause fears that his increasing irritability was the natural result of insidious disease which might be creeping on by slow and imperceptible degrees.

Sensitive he was undoubtedly and what man of Genius is not. Much should be conceded for the delicate organization which

Life Law and Letters

usually accompanies men of genius and renders them most keenly susceptible both to pain and pleasure. In very many instances we feel that the calamities sent by God are few in comparison with those men bring on themselves but in His case it was not so. Good fortune or good luck nearly always opposed his efforts, and whilst when solacing myself with the remembrance of many happy days, the recollection of every opposing word or deed awakens painful sorrow which can only be soothed by my feeling of entire respect for, and admiration of, the noble character which rose to meet the heavy pressure from without instead of succumbing or falling into recklessness.

It is this conduct, the self-respect which bore up against severe adversity, which now stands so prominently forward in my mental picture and all angry opposition and all the more subtle and delicate diversities of different kinds of good and evil all minor defects are to my memory but motes in the sunbeams visible but insignificant and wholly over-powered by more glorious rays.

Life Law and Letters

Longfellow says "It is of importance in a Nation's history that the individual fame of great and good men and scholars should be known and recorded. If Chaucer, Spencer, Milton, Shakespeare, Scott and many others were blotted from England's history, much would be wanting for the completion of her glory!" And yet the love of literature must be its own reward, for other rewards for literature are dealt out with a niggard hand with some few exceptions.

The Press is continually recording the departure of illustrious names. Names illuminated in characters not to be forgotten. "Lords of the domain of thought," as Longfellow called them whose titles to respect. Posterity does not question, "for glorious as is the World of God around us more glorious still is the World of God within us."

Some oblivion awaits deservedly in some cases but, where posthumous fame has been the beacon to lead them unflinchingly through the thorny path of struggling poverty it is indeed sad to find their most cherished opinions, their high thoughts, and purposes no longer

Life Law and Letters

retaining their individuality but resolved into the general University of thought.

Lady Nicolas might have consoled herself by reflecting that Sir Harris will always have his own little niche as an historian of the British Navy and the Orders of Knighthood. Some people may even remember his anthologies and the Life of Izaak Walton. On the other hand all his work on the public records like that of reformers will probably be forgotten by everyone except students.

The Three Nicolas Letters to Sir Walter Scott

In another book entitled *Personalia* I have printed a copy of the only extant letter from Sir Walter Scott to Sir Harris; but owing to the courtesy of Mr. W. M. Parker, who is assisting Professor Grierson in the centenary edition of the Scott letters, I have received copies of the three following letters from Sir Harris Nicolas to Sir Walter Scott, which are in the Walpole collection —

Life Law and Letters

23 Tavistock Place

London

10th October 1828

Dear Sir,

I take the liberty of begging your acceptance of the accompanying volume, not from its value, as from a wish to bring myself to your recollection, and to have the opportunity of expressing the high personal esteem I entertain for you. The book is, however, deserving of perusal from the historical information which it contains, and some traces will be found of customs and manners which I do not remember to have met with elsewhere.

My publisher (I believe) informed you of the obstacles to reprinting Green's work, which I the more regret as it prevents my having that opportunity of publicly testifying my respect for you.

May I ask if you collect generally for Scotland, because I have recently printed a very small impression of a "History, with the Statutes, of the Order of the Thistle" It is a private book and has been produced to complete the series of Statutes of British orders, if it

Life Law and Letters

would be acceptable to you I shall be most happy to send a copy to your library

Believe me, Sir Walter,

With the sincerest veneration and respect

Your most faithful Servant

Nicholas Harris Nicolas.

Abbotsford

23 Tavistock Place

London

28th February 1829

Dear Sir,

The conveyance which takes this to Edinburgh is the first opportunity which has been given me to acknowledge the honour of your very obliging letter; and I can assure you, with the most perfect sincerity, that your approbation of my literary labours is among the most gratifying rewards I could possibly wish. It cannot be requisite for me to say that I shall highly value the volume you are so good as to promise me, not for its own sake so much, as for that of the donor

When I had the pleasure of meeting you, I slightly alluded to the formation of a society for printing MSS illustrative of British History, having long been convinced that our information on the subject is very imperfect, that the materials for increasing it are innumerable, and that they will never be rendered useful for literary purposes unless they are printed by an association of individuals who are really animated by a desire to increase the stores of Historical knowledge, because the sale would not pay a tythe of the expenses

After much deliberation with two or three of my friends as to the best mode of effecting this object, since the attempt to induce the Society of Antiquaries to do so wholly failed, it has been determined to issue the Prospectus which I take the liberty of enclosing Whatever may be the opinion as to whether the Roll in question is the document with which we should *commence*, no one can deny that it abounds in most valuable Historical and Antiquarian matter and is highly interesting The chief motive with which it was selected was however this—that it is of *personal interest* to numerous great families, and that if

they are induced to give their money for its publication, they may perhaps be led to continue their aid towards the *Permanent Society* which is contemplated.

In the promotion of this object I presume most earnestly to solicit the assistance of Sir Walter Scott, and I feel I am at liberty to do so because my motive is wholly free from considerations of self interest, and because, if the attempt succeeds, important benefits must be conferred on that species of literature which he, above all other persons, has illustrated and adorned. Suffer me then, Sir, to entreat you to use your powerful influence on this occasion, because you will know the effect which your example, and your opinions have on Society. I will not presume to suggest *how* you should aid our efforts, but a few words from your pen in some place where they would be generally read, would be highly beneficial. If in taking this liberty, I intrude too far on your courtesy, impute it I pray you to the true cause—an ardent zeal for the advancement of Historical Literature; and to *apologize* to *you* for *that* zeal would be almost an insult. It gives me pleasure

Life Law and Letters

to be able to add that although the Prospectuses have been only privately circulated within three weeks, our success has been much greater than I could have anticipated Forty one persons have already sent their names, among whom are the Dukes of Newcastle and Northumberland, the Earls of Aberdeen, Abergavenny, and Earl Spencer, the Speaker, Right Honble Thomas Grenville, the Honble Agar Ellis, Mr Hallam, Lord Stafford, Honble Mr Arundell &c &c. If I could have ventured so far I should have asked your permission to add your name to the Committee (in p 3) but I was afraid to take that liberty in the first instance. Now, however, as the plan has thus far succeeded, I will observe, that your permission to do so would afford us the utmost pleasure and I am sure [? MS torn] materially promote our wishes

With the highest respect

I have the honour to be, Dear Sir,

Your most faithful and very obedient

Servant

Nicholas Harris Nicolas

Life Law and Letters

To Sir Walter Scott Bart

Edinburgh

Glenlyon

Tavistock Place, London

June 16th 1829

Dear Sir,

The very obliging letter which you did me the honour to write on the 23rd of May, would have been much sooner acknowledged had I not waited until the Committee for the publication of the *Scrope and Grosvenor Rolls* had their first meeting, because our plan remained to be then determined; and I was very anxious to lay before them your view of our attempt, before I again intruded upon your attention. The Committee met about a week since, when the subject was attentively considered and your flattering communication was read. It must be needless for me to assure you how gratified we were by your becoming a subscriber, with what respect your suggestions were received, and how sensible we were of the importance which your name would be to our efforts. Though your declining to join the Committee was much regretted, your reasons were unanswerable; and we would only lament the circumstances which

impeded it, without its being possible either to remove them, or, with propriety, to ask you to alter your resolution. After a careful examination of our probable resources and our expences, it was determined to obtain, if possible, 145 subscribers, and to print 150 copies, giving the five copies not appropriated to subscribers to Public Libraries. This Resolution (though opposite to my views originally, even with respect to this publication, and, I hope, opposite to the views of the Committee if we succeed in forming a permanent Society, because it was the chief object to enable anyone, at a comparatively small price to possess such information as the Association might publish) was forced upon us by pecuniary considerations. 145 subscribers would only yield £725, and the *Rolls alone* will fill two good sized volumes closely printed on imperial octavo paper. But this was not the principal difficulty, for we found that the mere *transcript of the record* will cost upwards of £200, the same fees being demanded as if it were required for a legal purpose. I feel too warmly on the disgraceful system of charging for copies of historical

evidence which prevails in almost every Record Office in England, to trust myself to speak on the subject, but you, Sir Walter, who must lament that any impediment should exist to obtaining historical information, will be happy to hear that on sending an article I wrote on the subject in the last *Westminster Review* to the Duke of Wellington, I was honored with his Grace's assurance that "the State of the Records was under the consideration of Government" so that we may hope for a change. At present, however, we must thus be taxed, so that on calculating the printer's charges, paper &c, we found that we could not settle to what extent the Notes and illustrations should extend, and hence it was merely resolved that the two Rolls should be printed without delay, and that when nearly completed the Committee should again meet to determine on the illustrations. Much as I regret it, and foreign as it is to the feelings of myself and of the majority of my Colleagues, we are compelled, by the regulations of the Record Offices, to adopt the *exclusive* system, and to do that for which I have ridiculed the Roxburgh club,—print only for those who

belong to the Association, and for which the sanction of *even* your opinion Sir Walter does not give me the consolation or carry with it the conviction, which it ought. I have lately read with great attention the rules of the Bannatyne Club and admire them, only, that I would *in every instance* print one hundred at the least (on a smaller paper if it was insisted upon that bibliomaniacs should be gratified) for general distribution and at as low a price as possible, for I am persuaded that it only requires a *little trouble* to induce, what are termed general readers, to feel an interest in works which are now confined to Antiquaries and Historians, and to generate, and then to cultivate, such a taste I hold to be a paramount duty in all who love, pure and unadulterated, historical Truths I know too well that for any Society, like the one proposed, nothing is to be expected from Government, for what has the Government of England ever done for science or literature or for those who devote themselves to either but to tax, or in other words to *rob*, them of eleven copies of their productions and yet we boast that both objects are encouraged in this Country, when

no work of an historical nature has paid its expences for some years, and when few book-sellers will print one, even if the MS be given them. Thus then it is only by *Societies*, that anything can be done, and I was sure I did not miscalculate when I anticipated the honor of your assistance. It is remarkable, however, how much the Society has been supported by the Antiquaries of Edinburgh, more particularly by Mr Thomson, Mr Hay, and others, who have exerted themselves most kindly and zealously in its formation, and I yet hope our wishes may succeed to their fullest extent. In future we must avoid selecting documents for transcripts, of which fees must be paid, by which a great saving will be made, and we may I trust be able to print a few copies of all other books excepting these Rolls *for sale*. All this, however, must be the subject of future consideration as we must be guided by circumstances; and you may be assured that there are some prudent persons on the Committee who will restrain my zeal if it become imprudent, and limit our efforts to what is *practicable*, rather than what is *desirable*. We thank you very much for the Duke of

Life Law and Letters

Buccleuch's name, and still more for your promise of recommending our plan wherever you can, for the latter will command success. We have now just 100 subscribers, so that we may hope to complete the list of 145, for as yet the Press has not once been used to assist us, and of its powers, if we are obliged to use it, I rely most confidently. The lively interest I, in common with all who have the honor to be known to you, feel about every member of your family, rendered the tidings respecting Major Scott's health highly gratifying, and I trust I may without taking an improper liberty express my earnest wishes that the Major may be speedily and completely restored. Should you again favor me with a letter, I entreat that I may be told whether your anxiety has abated or been removed.

With the highest and unfeigned respect,

I have the honour to remain, Dear Sir,

Your obliged and most faithful Servant

Nicholas Harris Nicolas

Cross-examination

Nothing amuses the layman so much as the defeat of counsel by a lay witness without any possibility of protective interposition by the judge. I am pleased to remember that I once scored heavily in this way myself. Besides the classical example of Sam Weller, the best victory ever known to me was that of Captain Peter Wright when cross-examined by Sir John Simon. I was in Court at the time but *The Times* report is excellent.

The following example taken from Mr F. W. Ashley's autobiography could not be bettered.—

A youthful advocate was defending a husband charged with assaulting his wife.

"Now, Mrs Jenkins," he began, "please remember you are on your oath—so be very careful."

"All right, old dear," she replied, cheerfully

"This man is your husband?"

"Worse luck," she retorted

"Now what is he?"

"A liar."

Life Law and Letters

"No, no," impatiently "I mean, what does he do?"

"Knock me about."

"Be careful, madam I want to know what is his trade"

"A thief," she said, promptly

"You know what I mean What does he live on?"

"Beer"

Counsel retired in despair

Gilbert Keith Chesterton

was not only one of the most brilliant and humorous men I have known but also one of the noblest. He touched nothing that he did not illuminate and in some sense bless and glorify. He was a fine poet and his drawings (of which I am proud to possess one original) have a genius all their own. I read his weekly essays in the *Illustrated London News* for more than thirty years, and every article he wrote for G.K.'s Weekly without ever becoming bored, as one sometimes is by too much of a good thing.

I met him first at lunch with Belloc and

Masterman in 1900, Belloc being host. I have seldom warmed to anyone so much at first sight. Every quality in him—his wit, his love of human beings, his irony—was so vitally spontaneous. His magnanimity was securely founded on real humility.

When I last saw him he told me that his secretary had asked the foreman of some workmen next door whether he was aware that they were making such a noise that Mr Chesterton *could not write*. "Yes" said the foreman "We are quite aware of that". G K chuckled with joy over the wonderful career that must await this master of repartee.

He embodied all the virtues; but charity in the best sense is what principally shone through all that he said, wrote, and did. It is always annoying at my time of life to be so often unable to find documents. In 1911 at the time of the Marconi case I wrote a parody on Scott's *Marmion* and can only remember the following lines:—

"Charge, Cecil, charge—

On Belloc on

Were the last words of Gilbert Chesterton "

The B.B C Epilogue

I am probably the only member of the Rationalist Press Association who enjoys the Epilogue on Sunday evenings so long as the B.B C stick to the old hymns and the old tunes. The Gospel sayings (not read in number or verses or clerically intoned) regain their original freshness, as, for instance, when the father of the Prodigal Son argues with the humourless elder son that as he has got what he wants i.e. his patrimony, he need not worry so much about one fatted calf!

I derive an impish satisfaction from imaginary dialogues between Jesus Christ and Sir Thomas Inskip about Sabbath observance and from wondering whether it has ever occurred to dictators, tax collectors, and other bureaucrats that the State was made for Man and not Man for the State or even to the B B C hierarchy that stoning can be overdone!

Sir Sidney Low

as seen by Major Desmond Chapman-Huston

There is one striking omission in this biography. George Eliot once wrote that most people on hearing of a death enquired what the cause of it was; but here there is no reference either to the cause of death or to the date of death, although there is quite a proportion of irrelevant material in the book.

The biographer describes Low as "The lost Historian". The reason is obscure. There was a certain mediocrity about Low's talents; he had not got what Voltaire called "*le diable au corps*", and he was never a brilliant writer in the sense as the late Mr G. W. Steevens was. He was, however, an extremely good journalist and his best book, *The Governance of England*, was, like Bryce's *American Commonwealth*, a piece of admirable reporting as well as a masterly exposition of constitutional law. His biographer suggests that he ought to have been if not a historian then a lawyer; but his aptitudes were much more those of the Civil Servant. He was

essentially of the Balliol type and always progressive, though never too progressive! It was melancholy for him that in the latter part of his life he was exposed in Fleet Street to what the biographer justly describes as the "mechanization of intelligence and standardization of culture at the lowest possible level" It is of course true that (as Pearson prophesied) much of the best literary work is now published in newspapers, but on the other hand the proportion of this work to the bulk of the modern newspaper is rapidly decreasing, as can only be expected when the press is ultimately controlled by the taste and fancy of the advertiser

Low was indeed a kindly person and a "good mixer" He had also the knack of attracting interesting people from boyhood. One of the best extracts in the book is the late Mr Anstey Guthrie's account of the days of King's College School, where he made friends with Low and says that he and Low had "the same taste in humour" This *dictum* may surprise some readers, who will not find much humour in Low's letters

There is always a certain satisfaction in per-

using the biography of a man who achieves what he wants to achieve, and there is no evidence that Low would have been happier as an historian than as a journalist. We need not quarrel with the biographer's summary, which is scarcely consistent with the title of the book and runs as follows:— Sidney Low's life contained much that is essential to happiness and contentment His education was congenial, suited to the full development of the natural bent of his talents and admirably calculated to fit him for his chosen career; his married life was completely happy, the exercise of his profession filled his years with variety, eclectic social contacts, a fair amount of travel, countless acquaintances, and a generous number of real, sincere friends; the achievement of a definite measure of success and, until comparatively late in life, the enjoyment of satisfactory health

Literary Celebrity

In July 1932 a young client of mine, who

resided in a remote Indian village, shot a buffalo which had run amok in the morning and killed several persons. It was the sort of village where tigers and buffaloes must have made it a little unsafe to walk in the street. The local solicitor wrote officially to me on the subject and ended his letter as follows — "Is it possible that I am addressing the author of a work on Religious Persecution which I bought many years ago and which I have read more than once with interest and admiration?"

Not being a professional author, I must confess to feeling rather flattered that a rather ponderous book of mine should be read in a village so remote from civilization that the solicitor who wrote to me had to look carefully for wild animals before he went to his office!

Life Law and Letters

What a moribund Trinity! Life is now lived under the perpetual apprehension of poison gas, our statutes are drafted not by jurists but by bureaucrats, and of modern Letters (compris-

ing the fine arts) not much is likely to survive; for even if popular taste continues to decline, posterity will prefer its own vagaries. Our civilization is dying as many others have died and may, like them, leave no trace behind

Nevertheless while there is Life there is hope, and Law and Letters will always provide rich material for the humorist and the historian. Moreover for many of us Life contains precious memories, which include the assimilation of Law and Letters at their best periods. In all this "*Inven mihi multam requiem*", and perhaps my readers may also find in these pages a little rest from the eyebruising and earsplitting atrocities of our age.

